

07.05.2024
Ct. No. 19
Sl. No.100
Cp

C.O. No. 938 of 2023

M/s. Abhudaya Developers Private Limited
Vs.
Ramesh Chandra Biswas & ors.

Mr. Sharanya Chatterjee
Mr. Subham Ghosh
Mr. A. Ghosh

... for the petitioner.

The petitioner seeks implementation of an order of status quo granted at the ad interim stage, with the help of police. The application was filed in 2010. According to the petitioner, the said order of ad interim status quo was continued and became absolute till disposal of the injunction application.

An application was filed, inter alia, stating that one Naresh Agarwal and the defendants had entered the suit premises forcefully with JCB machines. They were trying to cut down the trees, but on the intervention of the security guards they left the suit premises. They also threatened the security guards with dire consequences. On the next morning, the plaintiff found that some trees had been felled and a truck loaded with soil was present in the premises. A complaint was made to the local police. The incident had given rise to an apprehension that during the pendency of the suit, although an ad interim order had been passed by the learned court, the nature

and character of the property would be changed in violation of the order of status quo.

The learned court was of the view that without ascertaining exactly the mode and method by which such alleged violation took place, granting an order of police help after 12 years would not be proper. The learned court decided to hear out the main application for injunction. This was a correct assessment of the situation. The order impugned does not call for any interference.

It is also brought to the notice of this court that an application under Order 39 Rule 2A of the Code of Civil Procedure has been filed, being Misc. Case No. 47 of 2023 challenging the alleged violation.

This court is of the view that the nature of allegations require an early disposal of the application for injunction as also the misc. case.

The application for injunction shall be disposed of within a month from reopening of the learned trial court after the summer vacation. The Misc. Case shall also be disposed of within three months from the next date fixed.

However, when there is an ad interim order of status quo, parties are required to comply with the same. The petitioner is at liberty to pray for early dates by filing a put up petition upon notice to all.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)