

**IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Biswaroop Chowdhury

C.O. 968 of 2022

Swapan Malakar

VERSUS

Puspa Majumdar and Ors.

For the petitioner:

Mr. Anupam Kumar Bhattacharjee, Adv.

Mr. Dilip Kumar Mandal, Adv.

Mr. S.P. Dalapati, Adv.

For the Respondent Nos. 1 to 4:

Mr. Safik Dewan, Adv.

Mr. S. Mahata, Adv.

Mr. Sourav Mandal, Adv.

Mr. Asumdipta Santra, Adv.

Last Heard on: July 12, 2024

Judgment on: August 16, 2024

Biswaroop Chowdhury,J:

The petitioner before this Court is a plaintiff in a suit for declaration recovery of possession and injunction and is aggrieved by the Order dated 01.04.2022 passed by Learned Civil Judge Junior Division 2nd Court at Baruipur in Title Suit No. 149 of 2020 and order dated 04.04.2022 passed by

the Learned Additional District Judge Baruipur thereby refusing to admit the Misc Appeal No. 13 of 2022 arising out of partial order vide order No. 16 dated 01.04.2022 passed by Learned Civil Judge (Jr.div) 2nd Court at Baruipur in connection with title suit No. 149 of 2020 by which ad-interim order of injunction granted earlier was vacated by the said Learned Court. The petitioner/plaintiff being aggrieved by the Order dated 1-04-2022 passed by the Learned Trial Court and Order dated 04-04-2022 passed by Learned Appellate Court has come up before this Court with the instant application.

The case of the petitioner/plaintiff before Learned Trial Court and Learned Appellate Court may be summed up thus:

1. The Petitioner/Plaintiff filed a suit for declaration, recovery of possession and injunction and also filed application for temporary injunction in the Court of Learned Civil Judge Junior Division 2nd Court at Baruipur being Title suit No. 149 of 2020.
2. Learned Trial Court on 12-10-2020 was pleased to pass an order of ad-interim injunction and the said order was extended from time to time till 1.04.2022.
3. On an application being moved by the opposite party no- 1 to 4 under Section 151 of the Code of Civil Procedure to dismiss the suit in-limine, Learned Trial Court was pleased to dispose the application under Section 151 CPC by observing and directing as follows:

Ld. Counsel for the plaintiff drew the attention of this court to the fact that as there is specific provision U/O XIV rule 2 and order VII rule 11 of CPC, So Sec. 151 will not apply. Now, Order XIV rule 2 provides that, notwithstanding that a case may be disposed of, on a preliminary issue, the court shall pronounce judgments on all issues. Sub-rule 2 of order XIV rule 2, further provides where the issue of both law and the facts arise and the court is of the opinion that the case may be disposed of, on an issue of law, it may try that issue, if it relates to the jurisdiction of this court or bar to the suit created by any law for the time being in force. On the other hand, Order VII rule 11 provides the ground for rejection of plaint in which one of the ground is, the suit is barred by any law. In the light of the above discussion, this court concur with the submission of the Ld. Counsel for the plaintiff that if there is any bar to law or the court lacks jurisdiction, then preliminary issue can be framed on that point and the case can be disposed of and if any bar to law arise, then rejection of plaint can also be pleaded and Sec 151 of CPC will only come into picture when no specific provision had been detailed in the Code of Civil Procedure. However, if any anomaly arises in regard to some previous order, it can be surely recalled under Sec 151 of CPC.

At this juncture, when there are some vagueness in the plaint itself, in regard to the description of the property and reliefs reflected in the cause title and prayer portion are not in parity, then the court can

deal with it, even suo motu, so as prevent the extension of the ad interim injunction further and vacating the interim order, as carrying out the same can lead to more anomalous situation. Though the defendant no. 1 to 4 did not state in their application U/S 151 of CPC, that schedule suit properties do not bear the plot nos and only stated the same during oral submission, but after scrutinizing the pleading, the error is apparent from the face of the pleading. The Court has ample power in view of Sec 151 of CPC so as to recall or vacate an order which is causing abuse of process of Court. Now, in regard to the question of maintainability due to lack of jurisdiction, in regard to declaration of ROR as void ab initio and bar under Sec 51C of West Bengal Land Reforms Act, then the bar under Sec 51C applies when it relates to alteration of any entry in the ROR finally published, revised, corrected or modified but if there is a substantial question of title involved in the suit or prima facie the ROR appears to be clearly wrong or erroneous or for that purpose the question of title requires to be investigated, the aggrieved party is entitled to bring a suit to have his title to the property declared by getting the ROR in question declared to be erroneous and it had been categorically observed in 82 CWN 991 (AIR 1978 Cal 499). At this stage, when only there are averments of pleading, this Court do not find any prima facie bar as to grant that relief. Secondly, in regard to allegation of fraud raised in the said petition, then that can only be considered after the same is

specifically mentioned in the petition and pleading of the Defendants and have been established by evidences. The error which appears in the pleading cannot be held as practice of fraud but definitely act of gross negligence and recklessness.

To Conclude it can be held that, this Court cannot entertain the points of bar as to lack of jurisdiction as stated in the instant petition at this stage and on the basis of the present averments of the plaint and the plea of fraud can be adjudicated after it has been specifically pleaded in the written statement and after recording of evidences, and moreover, the point raised in the petition of the Defendants cannot be entertained unless it is specifically pleaded under the specific provision. However, the anomaly which arose from the plaint as of now, like absence of plot no, and differences between cause title and relief, the same has to be considered suo motu and the interim order which is subsisting till date on the basis of that vague description of suit property cannot be carried out further and liable to be vacated, in view of inherent power of Sec 151 of CPC r/w Sec 153 of CPC, to prevent abuse of process. The judgment cited by both sides had its specific implication but cannot be applied in the present facts and circumstances when the matter stated in the petition had not been decided on merit. Hence it is

ORDERED.

That the petition u/s 151 of CPC on 12.01.2021 filed by Defendant no 1 to 4 is considered and rejected on contest without any order as to cost in regard to bar of lack of jurisdiction and fraud.

The said Defendants are at liberty to file separate petition under the specified provision, if any.

However, the interim order dated 12-10-2020 will not be extended and stand vacated in view of Sec. 151. r/w Sec 153 of CPC.

The prayer for extension filed by the plaintiff is thus rejected. To 03.06.2022 for acceptance of Written Statement and temporary injunction hearing.'

4. The Petitioner/plaintiff being aggrieved by the Order dated 01-04-2022 passed by the Learned Trial Court preferred an appeal being Misc Appeal No-13 of 2022 before Learned Additional District Judge Baruipur South 24 Parganas.
5. By Order dated 04-04-2022 Learned Appellate Court refused to admit the appeal by observing as follows:

'On perusal of the impugned order dated 01-04-2022, it is noted therein, "To conclude it can be held that, this Court cannot entertain the points of bar as to lack of jurisdiction as stated in the instant petition at this stage and on the basis of the present averments of the plaint and the plea of fraud can be adjudicated after it has been specifically pleaded in the written statement and after recording of evidences, and more over, the point raised in the petition of the

defendants cannot be entertained unless it is specifically pleaded under the specific provision. However, the anomaly which arose from the plaint, as of now, like absence of plot no. and differences between cause title and relief, the same has been considered suo moto and the interim order which is substing till date on the basis of that vague description of the suit property cannot be carried out further and liable to be vacated in view of inherent power of section 151 of CPC read with section 153 of CPC, to prevent abuse of process.”

On the aforesaid ground, the Ld. Trial Court invoking his inherent power under section 151 of CPC read with section 153 of CPC has been pleased to vacate the interim order dated 12-10-2020.

I find that in view of CPC, the Misc. Appeal is not maintainable if an order is vacated under section 151 of CPC. I do not find any necessity to issue summons upon the respondents for their appearance before the Court.

On the aforesaid ground, the Misc. Appeal cannot be admitted and it is rejected accordingly. All the petitions are disposed of accordingly.’

6. The petitioner/plaintiff being aggrieved by the Order dated 04-04-2022 passed by Learned Additional District Judge Baruipur has come up with this application under Article 227 of the Constitution of India.

It is contended by the petitioner that both the Learned Courts below erred in law and facts while passing the order impugned. It is further contended that the Learned Trial Court erred in law and facts while vacating

the ad-interim injunction without hearing the parties to the effect of either application for temporary injunction or the application for extension of ad-interim order. It is also contended that the Learned Trial Court committed the error while passing the order for vacating the ad-interim order of injunction without hearing the petition for temporary injunction or the petition for extension of ad-interim injunction where the Learned Trial Court only heard the application under Section 151 CPC filed by defendant no. 1 to 4 for dismissal of the suit. It is contended that the Learned first appellate Court also erred in law by not admitting the appeal when the appeal has been preferred against the vacating of interim order of injunctions which might be the flow of the order/orders and also been out of the supplemental proceedings of the procedural law coupled with the Provision under order 39 Rule 1 and 2 read with section 151 CPC. It is also contended that both the orders of the Learned Court below are not sustainable and thus liable to be set aside.

Pursuant to filing of this application notice was issued upon the opposite party no 1 to 6. Opposite party no 1 to 4 entered appearance and contested the case. Notice with regard to other opposite parties is dispensed with.

Heard Learned Advocate for the petitioner/plaintiff and Learned Advocate for the opposite party/defendant no 1 to 4 perused the petition filed and materials on record. Learned Advocate for the petitioner submits that both the Learned Courts below erred in passing the impugned orders. Learned Advocate further submits that the appellate Court erred in not exercising jurisdiction to

admit the appeal as the order of vacating injunction passed by Learned Trial Court was in effect an order under Order XXXIX Rule 4 CPC although nomenclature used is Section 151 of CPC. Learned Advocate for the petitioner relies upon the following judicial decision.

Ishrat Hussain Khan. Vs Addl. District Judge Gorakhpur [reported in AIR 1992 All 215.]

Learned Advocate for the opposite party no 1 to 4 submits that the Learned Trial Court passed an order under Section 151 CPC thus appeal is not maintainable. Learned Advocate further submits that the suit filed by the petitioner/plaintiff is not maintainable and his clients have filed revisional application against the order of Learned Trial Court refusing prayer for dismissal of suit under Section 151 of the Code of Civil Procedure.

Now in order to decide the matter in issue it is necessary to consider the provisions contained in Order XXXIX, Rule 1, 2 and 4 of the Code of Civil Procedure and Section 151 of the Code of Civil Procedure.

Order XXXIX, Rule 1 CPC provides as follows:

1. Cases in which temporary injunctions may be granted – 1) where in a suit it is proved by affidavit or otherwise-
 - a) that any property in dispute in a suit is in danger of being wasted damaged or alienated by any party to the suit or wrong fully sold in execution of a decree or.

- b) that the defendant threatens or intends to remove or dispose of his property with a view to [defrauding] his creditors,
- c) that the defendant threatens to disposses the plaintiff or otherwise cause injury to the plaintiff in relation to any property in dispute in the suit.]

The Court may by order grant a temporary injunction to restrain such act or make such other order for the purpose of staying and preventing the wasting damaging alienation sale, removal or disposition of the property [or dispossession of the plaintiff or otherwise causing injury to the plaintiff in relation to any property in dispute in the suit] as the court thinks fit, until the disposal of the suit or until further orders.

Rule IV of Order XXXIX contains the following provisions.

4. Order for injunction may be discharged, varied or set aside

- Any order for an injunction may be discharged, or varied or set aside by the Court on application made thereto by any party dissatisfied with such order. Provided that if in an application for temporary injunction or an any affidavit supporting such application a party has knowingly made a false or misleading statement in relation to a material particular and the injunction was granted without giving notice to the opposite party, the Court shall vacate the injunction unless for reasons to be recorded it considers that it is not necessary so to do in the interest of justice.

Provided further that where an order for injunction has been passed after giving to a party an opportunity of being heard, the order shall not be discharged, varied or set aside on the application of that party except where such discharge variation or setting aside has been necessitated by a change in the circumstances or unless the Court is satisfied that the order has caused undue hardship to that party.

Section 151 of the Code of Civil Procedure provides as follows:

S. 151 Saving of inherent powers of Court. Nothing in this Code shall be deemed to limit or otherwise effect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

In the case of Ishrat Husain Khan (supra) the Hon'ble Court observed as follows:

'6 As to whether an appeal was maintainable before the appellate court in respect of the ad interim injunction granted by the trial court is only a technical objection. The fact remains that interim injunction was granted which could be granted under Order 39, Rules 1 and 2 of the C.P.C, as also under the provisions of Section 151, C.P.C. If the trial Court has granted injunction under Section 151, C.P.C. the import of the injunction is the same which is of the order passed under Order 39 Rules 1 and 2, C.P.C. Therefore, the consideration of the appeal against the interim order by the first appellate

court was not barred and the appeal could not be held to be untenable merely because Section 151, C.P.C. was invoked by the trial Court. The trial court does not say that such an injunction cannot be passed under Order 39, Rules 1 and 2 C.P.C. Section 151 C.P.C. is generally invoked in the matter of grant of temporary injunction where the case is not covered by Order 39, Rules 1 and 2, C.P.C. It was held by the Supreme Court in the case of *Manohar Lal Chopra v. Rai Bhadur Rao Raja Seth Hiralal*, reported in AIR 1962 SC 527 : (1963 All LJ 169) that there being on such expression in Section 94, C.P.C. which expressly prohibits the issue of a temporary injunction in circumstances not covered by Order 39 or by any rules made under the Code, the Courts have inherent jurisdiction to issue temporary injunction in circumstances which are not covered by the provisions of Order 39, C.P.C. if the court is of opinion that the interests of justice require the issue of such interim injunction.

7. The interim order granted by the trial court could have been granted under Order 39, Rules 1 and 2, C.P.C. also it was not a case where Order 39, Rules 1 and 2, C.P.C. would not apply to the grant of temporary injunction and the court could fall back on its inherent power under Section 151, C.P.C.

The inherent power is not conferred on the court. It is a power inherent of the court by virtue of a duty to do justice between the parties before it. Looking to the nature of the interim order passed by the trial Court it is safe to infer that the trial court had passed the order under Order 39, Rules 1 and 2, C.P.C. because the case of the petitioner defendant before the trial court would

squarely fall within the ambit of Order 39, Rules 1 and 2, C.P.C. By writing that the order was passed under Section 151, C.P.C. it cannot be inferred that such an order was not capable of being passed under Order 39, Rules 1 and 2, C.P.C. That being so, the appeal before the appellate Court was maintainable and the appellate court could examine the legality of the order passed by the trial Court.’

Upon considering the decision of Ishrat Husain Khan (supra) and the order passed by the Learned Trial Court by vacating the ad-interim order granted this Court is of the view that the Learned Appellate Court erred in not admitting the appeal preferred by the petitioner/plaintiff against the order of Trial Court by treating the order as order under Section 151 CPC and not under Order XXXIX Rule 4 of the Code of Civil Procedure.

Although in the normal course it would have been proper to remit the matter back to the Appellate Court to decide the Appeal on merit but as considerable period has passed from the date of filing of this Revisional Application it would be just and proper to consider the order passed by Learned Trial Court on merit instead of sending the matter back to the Appeal Court. Now in order to decide as to whether the Learned Trial Court was justified in vacating the ad-interim order of injunction it is necessary to consider the provision contained under Order XXXIX Rule-4 of the Code of Civil Procedure which deals with the power of Court to vacate ad-interim order of injunction.

Order XXXIX Rule IV Code of Civil Procedure Provides as follows

4. Order for injunction may be discharged varied or set aside. Any order for an injunction may be discharged or varied or set aside by the court on application made thereto by any party dissatisfied with such order:

[Provided that if in an application for temporary injunction or in any affidavit supporting such application a party has knowingly made a false or misleading statement in relation to a material particular and the injunction was granted without giving notice to the opposite party, the Court shall vacate the injunction unless for reasons to be recorded it considers that it is not necessary so to do in the interest of justice.

Provided further that where an order for injunction has been passed after giving to a party an opportunity of being heard, the order shall not be discharged varied or set aside on the application of that party except where such discharge variation or setting aside has been necessitated by a change in the circumstances or unless the court is satisfied that the order has caused undue hardship to that party.

Upon perusal of the order passed by Learned Trial Court vacating interim order of injunction no where it appears that the Learned Court was satisfied about the existence of conditions as provided under Rule IV of Order XXXIX of the Code of Civil Procedure. All that the Learned Court went on to observe is that in the absence of plot no, in plaint and differences between cause title and

relief, the same has to be considered suo moto and the interim order which is subsisting till date on the basis of that vague description of the suit property cannot be carried out further and liable to be vacated, in view of inherent power of Sec 151 to prevent abuse of process.

It is well settled that when a specific provision is provided under the Code of Civil Procedure Courts should not pass order to the contrary in exercise of inherent power under Section 151 of the Code of Civil Procedure. In the instant matter the Learned Court vacated interim order of injunction on the ground that continuation of the same will amount to abuse of the process of Court. As abuse of process of Court is not defined under the Code of Civil Procedure it is necessary to consider some judicial pronouncements to enlighten ourselves. Further it is also necessary to consider judicial pronouncements with regard to use of inherent power under section 151 CPC.

The Hon'ble Supreme Court in the case of **M/S Ram Chand and Sons Sugar Mills Private Ltd Barabanki (UP) Vs Kanhayalal Bhargava and others** reported in AIR- 1966 S.C P-1899 observed as follows:

The argument of Mr. S. N. Andley, learned counsel for the appellant, may be briefly stated thus: The Code of Civil Procedure provides express power for a court to strike out defence against a party under specified circumstances and, therefore, s. 151 thereof cannot be invoked to strike out the defence in other circumstances, for to do so will be to override the provisions of the Code. Order XXIX, r.3, of the Code does not empower the court to require the

personal appearance of a director other than a director who signed and verified the pleading within the meaning of O.XXIX, r. 1 thereof.

Mr. Sen, learned counsel for the respondent, on the other hand contended that the court had ample jurisdiction to strike out the defence of a party if he was guilty of abuse of the process of the court. In the instant case, he contended Jugal Kishore, one of the permanent directors of the appellant-company had adopted a recalcitrant attitude in defying the orders of the court to be present for interrogation and, therefore, the Subordinate Judge rightly, after giving every opportunity for him to be present, struck off the appellant's defence.

Section 151 of the Code reads:

"Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court."

The words of the section appear to be rather wide. But the decisions of this Court, by construction, limited the scope of the said section. In *Padam Sen v. The State of Uttar Pradesh* (1961) 1 SCR 884 at p. 887; (AIR 1961 SC 218 at p.219), the question raised was whether a Munsif had inherent powers under s. 151 of the Code to appoint a commissioner to seize account books. This Court held that he had no such power. Raghubar Dayal, J., speaking for the Court, observed:

"The inherent powers of the Court are in addition to the powers specifically conferred on the Court by the Code. They are complementary to those powers and therefore it must be held that the Court is free to exercise them for the purposes mentioned in s. 151 of the Code when the exercise of these powers is not in any way in conflict with what has been expressly provided in the Code or against the intentions of the Legislature. It is also well recognized that the inherent power is not to be exercised in a manner which will be contrary to or different from the procedure expressly provided in the Code"

In the case of **Mam Raj Vs Smt Sabiri Devi and others** reported in AIR-1999 Punjab and Harayana-96 the Hon'ble Court observed as follows:

'It is settled principle of law that the Court necessarily need not be guided by the provisions of law under which the application is made. The Court has to look into the contents of the application and the prayer made of such basis. What is to be seen is whether the applicant is entitled to the relief prayed for in the facts and circumstances of the case. The Court is not powerless to grant relief, if the ends of justice and equity demands because the powers vested in the Court under Section 151 of the C.P.C. are of wide scope and ambit. Reference in this regard can be made to the judgment in the case of Ankayya v. Subhadrayya, AIR 1932 Mad 223 and Anumulasetti Venkateswara Rao v. Konduri Siraiah, AIR 1978 Andh Pra 403.'

In the case of **MV Rajashekhar V Smt MV Rajamma** (Deceased BY L.RS) and others reported in AIR-2004 Karnataka P-280 the Hon'ble Karnataka High Court observed as follows:

'A plain reading of the provision makes clear that the Court has abundant inherent powers to exercise whatever powers to prevent abuse of the process of the Court by any of the parties. Now, it has to be considered as to whether the plaintiff is misusing or abusing the process of the Court. In the plaint, it is specifically pleaded that the suit schedule properties are the properties of the plaintiff's father late M. C. Veerappa and sought for partition by filing the suit in a regular course before the competent Court, that too in the year 1995. Whereas, the probate proceedings came to be initiated subsequently in the year 2000. In view of the matter, it cannot be held that there is any abuse of the process of the Court by the plaintiff.

In the Law Lexicon, Second Edition (Reprint) 2001 by Sri P. Ramanatha Aiyer, at page 17, the words "abuse of process of Court" defines as follows ;

"Abuse of process of Court, is the malicious and improper use of some regular legal proceedings to obtain an unfair advantage over an opponent.

Nothing short of obvious fraud on the part of the debtor would render him liable to have his petition for insolvency dismissed on the ground of "Abuse of process of Court". (Tin Va v. Subya, 6 LBR 146 FB). The term is generally used in connection with action for using some process of the Court maliciously

to the injury of another person. (Per Abdur Rahim J. in Thathunaik v. Condu Reddi, (1909) 1 Ind Cas 221=5 Mad LT 248.

Abuse of process of Court generally applies to proceeding wanting in bona fides and is frivolous, vexatious or oppressive. Making use of the process of Court as a device to help the jurisdiction of a Civil Court is an abuse of the process of the Court. Narappa Reddy v. Chandramouli, AIR- 1967 Andh pra 219,230 (Contempt of Courts Act, (1952), Section 3)".

It is only in case where the proceedings are fraud, vexatious or want of bona-fide, malicious and improper, then it comes within the meaning of abuse of the process of the Court. No such facts or things are coming out in the case on hand. Therefore, the Court apparently erred in holding that there is abuse of the process of the Court. Thereby, it is clear that the trial Court has not exercised its proper jurisdiction. The very use of Section 151 of C. P. C. as an "instrument" to stay the further proceedings in O. S. No. 292/1995 is nothing but abuse of the process of the Court and thereby the impugned Order is not sustainable.'

In the instant matter the Learned Trial Court without considering the fact as to whether there is fulfillment of the conditions regarding vacating of interim order as provided under Rule IV of Order XXXIX of Code of Civil Procedure went on to vacate the said interim order by invoking Section 151 of the Code of Civil Procedure. Secondly the Learned Trial Court went on to observe that continuation of the interim order when the description of suit

property is vague amounts to abuse of the process of Court. In this context it is to be remembered that when a suit is maintainable in law and Court upon prima facie being satisfied grants an order of injunction the said injunction order should not be vacated unless there is fulfillment of the conditions laid down under Rule IV Order XXXIX of the Code of Civil Procedure. In the event the Court is of the view that the pleadings or incomplete description of suit property in plaint are abuse of process of the Court reasonable opportunity should be granted to amend the pleadings. In this regard it is also necessary to discuss the provisions contained in Rule 16 and 17 of Order VI of the Code of Civil Procedure.

Rule 16 of Order VI of the Code of Civil Procedure Provides as follows:

16. Striking out pleadings – The Court may at any stage of the proceedings order to be struck out or amended any matter in the pleading-

- a) which may be unnecessary scandalous, frivolous as vexatious or
- b) which may tend to prejudice, embarrass or delay the fair trial of the suit, or
- c) which is otherwise an abuse of the process of the Court.

Rule 17 of Order VI provides that the Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as

may be necessary for the purpose of determining the real questions in controversy between the parties.

Thus upon plain reading of Rule 16 and Rule 17 of Order VI of the Code of Civil Procedure it is clear that Courts have power to get any pleadings amended if it appears to the Court that a particular pleading is an abuse of the process of Court and have further power to permit the parties to alter or amend the pleadings which may be necessary for the purpose of determining the real questions in controversy between the parties. The Learned Trial Court in the interest of justice ought to have granted the plaintiff/petitioner an opportunity to amend the plaint before passing the harsh order of vacating interim order of injunction and thereby withdrawing the interim protection granted to the plaintiff/petitioner. Thus the Order passed by the Learned Trial Court cannot be sustained and the same should be set aside.

Hence this revisional application stands allowed. Order dated 01-04-2022 passed by Learned Civil Judge Junior Division 2nd Court at Baruipur in Title Suit No 149 of 2020 is set aside. The Ad. Interim Order of injunction granted by the Learned Trial Court on 12-10-2020 is restored and the same is to continue till disposal of the injunction application pending before it. The Learned Trial Court is directed to decide the application for injunction pending before it in accordance with law.

Urgent photostat certified copy of this order, if applied for, should be made available to the parties upon compliance with the requisite formalities.

(Biswaroop Chowdhury, J.)