

06.08.2024
Item No.7, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2709 of 2024

**Smt. Lakshmi Kha & Ors.
-Vs-
Sri Shankar Santra & Ors.**

Mr. Pinaki Datta,
Ms. Jayashree Saha.
.....for the petitioners.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali.
.....for the opposite parties.

The defendant nos. 1 to 7 in a suit for declaration of title and injunction are the petitioners of instant application under Article 227 of the Constitution of India.

The opposite party no.1 has filed the *Title Suit No. 974 of 2023* for declaration of his occupancy right over the suit *Schedule A* property. The said suit is pending before the 3rd Court of learned Civil Judge (Senior Division) at Barasat, District: 24 Parganas (North). In the said suit, the learned Trial Judge on August 18, 2023 had passed an *ad interim* order of injunction.

Aggrieved thereby, the petitioners have challenged the said *ad interim* order of injunction in the connected *Misc. Appeal No. 123 of 2023*. The 2nd Court of the Learned Additional District Judge at Barrackpore, District: 24-Parganas (North) by the order impugned dated June 26, 2024 has dismissed the said appeal.

An *ad interim* order of injunction since was under challenge in the said Misc. Appeal, instead of deciding the propriety of the said order; justice would be sub-served if the pending application for injunction is disposed of on its merit.

This Court is informed that September 30, 2024 is the next date fixed in the suit for hearing of the said application for injunction.

Mr. Pinaki Datta, learned advocate for the petitioners submits that his clients shall file their written objection to the said application before the said date.

The learned Trial Judge is requested to expedite the disposal of the said application for injunction as soon as the same is made ready for such disposal.

C.O. 2709 of 2024 is disposed of with the above observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)