

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 2727 of 2024

Shankar Dihidar

Vs.

Uttarayan Abasik Samiti & Ors.

Mr. Sounak Bhattacharya,
Mr. Sudeep Pal Choudhuri,
Ms. Sanchita Dey Pal Choudhuri,
Ms. Tithi Pal ... For the petitioner.

Mr. Subhankar Nag,
Mr. Shahrukh Raja,
Mrs. Anju Chakraborty ... For the O.P. Nos. 1-4.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

The plaintiff in a suit for injunction is the petitioner of the instant application under Article 227 of the Constitution of India.

The said suit being Title Suit No. 175 of 2024 is pending before the learned Civil Judge, (Junior Division) at Bidhannagar, District – 24 Parganas (North).

The learned Trial Judge by the order dated June 18, 2024 has refused to pass an ad interim order of injunction on the application filed by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, aggrieved thereby, the plaintiff has preferred the connected Miscellaneous Appeal No. 75 of 2024.

The appeal Court below by the order impugned being Order No. 03 dated June 24, 2024 has also refused to pass an ad interim order of injunction.

Substantial time has elapsed after the refusal of grant of an ad interim order of injunction as a result, the urgency for grant of an ad interim order of injunction has been diluted, under such circumstances, justice would be sub-served if the application for injunction pending before the learned Trial Judge is disposed of on merit.

The opposite parties have entered appearance, they are required to affirm their written objection to the pending application for injunction

within a period of three weeks from date; re-joinder thereto, if any, be affirmed by the plaintiff within a week from the date of receipt of the copy of such written objection.

The learned Trial Judge is requested to dispose of the application for injunction expeditiously on its merit without granting any unnecessary adjournment to either of the parties.

In view of the aforementioned direction, no fruitful purpose would be served keeping the connected miscellaneous appeal pending, therefore Misc. Appeal No. 75 of 2024 pending before the 8th Court of learned Additional District Judge at Barasat, District – 24 Parganas (North) be treated as disposed of.

C.O. 2727 of 2024 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)