

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. 2841 of 2023

**M/s. Shibsukh Dealcom Pvt. Ltd., represented by its
Director Sailendra Kumar Singhanian**

Vs.

Mithu Mondal

Mr. Arup Krishna Das ... For the petitioner.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant no. 1 in a suit for declaration and injunction being Title Suit No. 672 of 2022 pending before the 3rd Court of learned Civil Judge, (Junior Division) at Asansol, District – Paschim Bardhaman.

The learned Trial Judge by the Order No. 12 dated May 08, 2023 had dismissed the application of the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure.

The appeal therefrom being Misc. Appeal No. 29 of 2023 is pending before the 2nd Court of learned Civil Judge, (Senior Division) at Asansol, District – Paschim Bardhaman.

The appeal Court below by the order impugned being Order No. 02 dated July 20, 2023 has passed an ad interim order of injunction directing both the parties to maintain status quo with regard to the schedule property till August 19, 2023.

Mr. Arup Krishna Das, learned advocate for the petitioner submits that such ad interim order was

subsequently extended time to time and is still subsisting.

The order of status quo without clarifying what it is, is not proper. However since the ad interim order was passed way back in the year 2023, instead of interfering with it, this Court is of the opinion that justice would be sub-served if the misc. appeal is disposed of expeditiously on its merit.

The appeal Court below is requested to make all endeavour to dispose of the said appeal as expeditiously as possible in accordance with law, if the same is otherwise ready for such disposal.

C.O. 2841 of 2023 is disposed of with the above observations 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.)