

29.08.2024
(D/L-25)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3049 of 2024

Renu Das & Ors.

-Vs-

Smt. Sandhya Das & Ors.

Mr. Partha Chakraborty,
Mr. Archisman Chakraborty,
Ms. Debanjali Payra,

... For the Petitioners.

The petitioners of the instant revisional application under Article 227 of the Constitution of India are the plaintiffs in a suit for declaration and permanent injunction, which is directed against the order dated July 25, 2024 passed by the learned District Judge, Alipore, District: 24-Parganas (South) in Misc. Appeal No. 259 of 2024 arising out of Title Suit No. 1126 of 2024 pending before the 1st Additional Court of learned Civil Judge (Junior Division) at Alipore, District: 24-Parganas (South).

The learned Trial Judge by the order dated July 12, 2024 had refused to pass an *ad interim* order of injunction on the application filed by the plaintiffs under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure.

The plaintiffs aggrieved thereby, have preferred the connected *Misc. Appeal No. 259 of 2024*.

The Appeal Court below by the order impugned has also refused to pass an *ad interim* order of injunction.

The urgency for grant of an *ad interim* order of injunction has been diluted, as such, in view of the scope of the said Misc. Appeal, no fruitful purpose would be served by keeping the said appeal pending, rather, justice would be sub-served if the pending application for injunction is disposed of on its merits.

Accordingly, the *Misc. Appeal No. 259 of 2024* stands disposed of and C.O. 3049 of 2024 is also disposed of by requesting the learned Trial Judge to decide the application for injunction on its merits after giving the defendants opportunity of filing written objection to the said application.

In view of the nature of the application, the learned Trial Judge shall make all endeavour to dispose of the said application as expeditiously as possible, and in doing so, shall not grant any unnecessary adjournment to either of the parties.

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

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.)