

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 25.09.2024

DELIVERED ON: 25.09.2024

**CORAM:
THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE BIVAS PATTANAYAK**

M.A.T. 1726 of 2024

With

IA No. CAN 1 of 2024

Sri Kalipada Maity & Ors.

Vs.

Tapan Maity & Ors.

Appearance:-

**Mr. Manoranjan Jana
Mr. Radhasyam Maity
Ms. Mitali Jana**

..... For the Appellants

**Mr. Wasim Ahmed
Md. Shehabuddin**

.....For the State

**Mr. Dilip Kr. Shyamal
Mr. Gourab Ghosh**

.....For the Respondent No.1

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

1. This intra-Court appeal by the private respondents in the writ petition is directed against the order dated July 31, 2024 in W.P.A. 18271 of 2024.
2. The grievance of the appellants is that without taking into consideration the suits, which are pending and the interim orders granted by the learned Trial Court, a direction has been obtained by the writ petitioner and the writ petitioner is misusing the direction, which has been given to the police authorities.

3. From the impugned order, it is seen that the learned writ court has not noted about the pendency of the civil proceedings, both at the behest of the appellants as well as the writ petitioner. Therefore, we are of the view that the learned writ court should not entertain a prayer, which would have an impact on the orders passed by the learned Trial Court in the pending suits, which have been decreed and it is submitted by the learned advocate for the writ petitioner that a recalling application is pending.
4. If that be the case, it is a good ground to deny any relief in a writ petition filed by the respondent/writ petitioner.
5. For the above reasons, the appeal is allowed. Orders and directions issued in the writ petition are set aside and the parties are directed to abide by the orders and judgments delivered by the learned Trial Court.
6. No costs.
7. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

I agree.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)