

20.09.2024
Item No.24 DL
Ct.19
A.J.

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

C.O. 3345 of 2024

Sunil Mahata & Ors.

-Vs-

Dipak Mahata & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray.
.....for the petitioners.

Mr. Dyutiman Banerjee,
Mr. Salil Kumar Maiti,
Ms. Dolon Samanta,
Mr. Vishal Mallick.
.....for the opposite parties.

The plaintiffs in a suit for declaration are the petitioners of the instant application under Article 227 of the Constitution of India.

The said suit being Title Suit No. 547 of 2023 is pending before the 2nd Court of the learned Civil Judge (Junior Division) at Paschim Medinipur.

The learned Trial Judge by an order dated August 24, 2023 had allowed the prayer of the plaintiffs for an ad-interim order of injunction, aggrieved thereby, the defendant nos.1 to 15 have filed Misc. Appeal No. 147 of 2023.

The learned District Judge, Paschim Medinipur by the impugned judgment and order dated August 29, 2024 has allowed the said appeal thereby has set aside the said order of the learned Trial Judge.

In view of the limited scope of the said appeal, particularly the findings of the Appeal

Court below that there are cross entries in the record of rights of the Schedule 'A' property, this Court is not inclined to interfere with the order impugned.

The application for injunction is pending before the learned Trial Judge and the written objection thereto has already been filed by the defendants, therefore the learned Trial Judge is requested to dispose of the said application in accordance with law without being influenced by the observations made by the Appeal Court below in the order impugned.

C.O. 3345 of 2024 is disposed of without any order as to costs.

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.)