

S/L 25
17.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3377 of 2024

Nasim Akhtar

Vs.

Sri Dipankar Roy & Ors.

Mr. Chandrachur Chatterjee

Ms. Aditi Kumar

...for the Petitioner.

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

The learned Trial Judge by the order dated August 19, 2023 had allowed the prayer of the plaintiff for an ad interim order of injunction.

The defendant no.6 aggrieved by the said order, has preferred the connected Miscellaneous Appeal No.300 of 2023, which is pending before the 12th Court of learned Additional District Judge at Alipore, District: 24 Parganas (South).

The petitioner, on August 19, 2024, a date fixed for hearing of the said appeal had prayed for adjournment on the ground of pendency of an application under Section 24 of the Code of Civil Procedure before the learned District Judge. The appeal court below, by the order impugned, has refused the said prayer of the petitioner.

Pendency of an application under Section 24 of the Code of Civil Procedure, by itself, cannot operate as a stay, therefore this Court does not find any reason to interfere with the order impugned.

C.O. 3377 of 2024 is dismissed without any order as to costs.

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

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

(Biswajit Basu, J.)