

23.09.2024
(D/L-21)
Ct.-19
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 3370 of 2024

Chanchala Mondal & Anr.

-Vs-

Rabindranath Modnal & Ors.

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee,
Mr. Salil Kumar Maiti,
Mr. Pinaki Saha,

... For the Petitioners.

Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Mr. Nitish Samanta,

.... For the Opposite Parties.

The plaintiffs in a suit for partition and permanent injunction are the petitioners of the instant application under Article 227 of the Constitution of India.

The said suit being Title Suit No. 11 of 2020 is pending before the Learned Civil Judge (Senior Division), Haldia.

The learned Trial Judge, by the order dated July 28, 2022 had allowed the prayer of the petitioners for an ad-interim order of junction by directing the parties to maintain *status quo* with regard to the nature, character and possession over “Ka” schedule property.

The defendants, the opposite parties herein, aggrieved thereby, have preferred the Miscellaneous Appeal No. 10 of 2023 before the Learned Additional District Judge, Haldia.

The appeal Court below, by the impugned judgment and order dated August 29, 2024 has allowed the said appeal thereby has set aside the said order of injunction passed by the learned Trial Judge.

The application for injunction since is pending before the learned Trial Judge, justice would be sub-served if the said application is disposed of in accordance with law, particularly when, due to the long pendency of the said application for injunction, the element of urgency, a factor for grant of ad-interim order of injunction, has become diluted.

The learned Trial Judge is requested to dispose of the said pending application for injunction on its merit in accordance with law, if it is otherwise ready for such disposal, without being influenced by any of the observations made by the Appeal Court below in the order impugned.

C.O. 3370 of 2024 is disposed of with the above terms 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 copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)