

S/L 25
23.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 3375 of 2024

Uttam Kumar Yadav @ Tuntun Yadav & Anr.

Vs.

Balaram Bauri & Ors.

Mr. Tapan Kumar Rakshit
Mr. Surajit Roy

...for the Petitioners.

The petitioners are the defendant nos. 1 and 2 in *Title Suit No.678 of 2022* pending before the 3rd Court of learned Civil Judge (Junior Division) at Asansol, District: Paschim Bardhaman.

The petitioners have challenged the order of injunction passed by the learned Trial Judge in the connected *Miscellaneous Appeal No.44 of 2024*.

The appeal court below by the order impugned dated August 14, 2024 has refused to stay the operation of the order impugned in the said appeal as prayed for by the petitioners.

Allowing the said prayer would be amounting to allowing the appeal itself at the very beginning, as has been held by this Court in the case of ***IN RE: GAUTAM KUMAR HADA*** reported in ***1994 (1) ILR (Cal) 72*** and in the case of ***MOBASSOR HOSSAIN & ORS. Vs. SRI MANIK CHANDRA PAL & ORS.*** reported in ***2005 (2) CLJ (Cal) 482***.

In view of the above, the order impugned does not call for any interference.

CO 3375 of 2024 is dismissed without any order as to costs.

The appeal court below is requested to dispose of the said appeal in accordance with law as expeditiously as possible.

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.)