

Item No. 20.11.2024
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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 3578 of 2022

Zahida Begum
Vs
Akbar Ali Mondal

Mr. Partha Pratim Roy,
Mr. Debayan Roy. ... for the petitioner.

Mr. Arijit Chatterjee,
... for the opposite party.

1. This revisional application has been filed assailing the Order No.05 dated 12th September, 2022 passed by the Learned Additional District Judge, Fast Track Court-II, Howrah in connection with Miscellaneous Appeal No. 158 of 2022, wherein learned Appellate Court allowed the petition by promulgating an order of stay of order dated 18th August, 2022 passed by the learned Civil Judge (Senior Division), 1st Court, Howrah in connection with Title Suit No. 394 of 2022.
2. Both the learned counsel appearing on behalf of the parties to this revisional are ad idem of the fact that on 18.08.2022 one put up petition was filed by the respondent/petitioner herein before the Trial Court and the Trial Court allowed the petition for

extension of interim order of injunction earlier promulgated by the Court without serving copy to the appellant/opposite party herein. It is also not disputed that at the relevant point of time the opposite party herein was on record.

3. In the aforesaid view of the matter, issue of extension of interim order on a put up petition that too without serving copy upon the appellant/opposite party herein clearly denotes that the learned Judge allowed the petition for extension of interim order of injunction without giving any opportunity of hearing to the appellant/opposite party herein. Learned Trial Judge ought to have passed an order directing the petitioner to serve notice upon the opposite party herein who was already on record at the relevant point of time.
4. Regard being had to the above, I do not find any illegality or infirmity in the order impugned in this revisional application.
5. However, learned Appellate Court is requested to dispose of the Appeal within three weeks from the date of communication of this order as it is informed by the learned counsel appearing on behalf of the parties that appellant/opposite party herein already complied with the provision of Order 39 Rule 3(a) and (b) of the Code of Civil Procedure.

6. With the aforesaid observation, the reviaional application stands disposed of.
7. Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Bibhas Ranjan De, J.)