

March 28, 2024
Sl. No.A 38
Court No.19
s.biswas

CO 4368 of 2023

Pulak Ghosh

vs.

M/s. Shibham Construction and another

Mr. Kushal Pal

... for the petitioner

Mr. Oishik Chatterjee

... for the opposite party no.1

Mr. Arkoday Mukherjee

... for the Panihati Municipality

1. The revisional application arises out of an order dated 11, 2023 passed by learned Additional District Judge at Barrackpore, North 24 Parganas, in Miscellaneous Appeal No.27 of 2023.
2. The learned Additional District Judge rejected the application under Order 1 Rule 10(2) of the Code of Civil Procedure. The learned court was of the view that the misc. appeal had been filed by the opposite party no.1, being aggrieved by the order of the learned Civil Judge (Junior Division), 2nd Court at Barrackpore, rejecting the prayer for ad interim injunction in Title Suit No.76 of 2023. The dispute was between the municipality and the opposite party no.1. The petitioner as an applicant, was not affected by the order impugned in the Misc. Appeal. Thus, no effective purpose would be served in allowing the addition of the petitioner as a party in the Misc. Appeal No.27 of 2023.

3. I do not find any illegality in the order impugned.
The order refusing ad interim injunction does not affect the petitioner in any way. However, it appears that the petitioner has filed an application for addition of party in the title suit, which shall be disposed of expeditiously on contest, strictly in accordance with law.
4. The revisional application stands disposed of accordingly.
5. All the parties are directed to act on the basis of the server copy of the order.
6. Urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)