

Court No. 6
(265719)

04.03.2025
(AD 15)
(S. Banerjee)

CO 730 of 2025

Kiran Roy & Ors.
Vs.
Bimal Majumder @ Samar Mondal & Ors.

Mr. Arnab Roy
Mr. Satyam Mukherjee
Ms. Sayani Ahmed
Mr. Purnendu Shekhar Ghosh
...for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the plaintiffs and is directed against a judgment and order dated May 17, 2024 passed by the learned Additional District Judge, Barrackpore, North 24 Parganas in Miscellaneous Appeal No. 76 of 2013.

The petitioners herein filed a suit for declaration of his title and for permanent injunction being Title Suit No. 120 of 2013. In connection with the said suit the petitioners filed an application under Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure praying for an order of temporary injunction. The petitioners moved the application for temporary injunction and sought for an ad interim order. The learned trial Judge by an order dated May 6, 2013 rejected the prayer for ad interim injunction.

Challenging the said order the petitioner preferred a Misc. Appeal being no. 76 of 2013 and the learned Additional District Judge, 3rd Court at Barrackpore by a judgment and order dated May 17, 2024 dismissed the said appeal ex parte thereby affirming the order dated May 6, 2013.

Since the prayer for ad interim injunction has been refused by the learned trial Judge as well as the learned first appellate Court and the order of the learned first appellate Court is dated May 17, 2024, this Court is not inclined to pass any ad interim order at this stage.

Faced with such situation, Mr. Roy, learned advocate appearing for the petitioners, prays for a direction upon the learned trial Judge to dispose of the injunction application expeditiously.

In the light of the said submission, the learned Civil Judge (Jr. Division) 3rd Court at Sealdah is requested to take up the hearing of the injunction application, if the same is otherwise ready for hearing and to dispose of the same as expeditiously as possible but preferably on or before the end of June, 2025 without granting any unnecessary adjournments to either of the parties.

(Hiranmay Bhattacharyya, J.)