

March 7, 2025
Sl. No.30
Court No.6
s.biswas

CO 820 of 2025

Pulak Das and others
vs.
Aatreyee Nirman Pvt. Ltd. and others

Mr. Rupayan Deb
Ms. Priya Nandy

... for the petitioners

This application under Article 227 of the Constitution of India is directed against an order dated 27th February, 2025 passed by the learned Additional District Judge, Fast Track 2nd Court at Barasat, North 24 Parganas in Misc. Appeal No.29 of 2025.

The petitioners herein filed a suit for recovery of khas possession and for permanent injunction. In such a suit, the petitioners filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure. After filing such application, the petitioners moved the application for injunction and prayed for an ad interim order. The learned trial judge by an order dated 13th February, 2025 refused the prayer for ad interim injunction as a caveat was lodged by the defendant no.1.

Challenging the order refusing to pass ad interim order, the petitioners preferred a misc. appeal and filed an application under Order 39 Rule 1 and 2 and an application under Order 39 Rule 7 of the Code of Civil Procedure.

By the order impugned dated 27th February, 2025, the learned Additional District Judge, FTC, 2nd Court at Barasat rejected the prayer for ad interim injunction and the application for local inspection.

After some argument, learned advocate for the petitioners submits that a direction be passed upon the learned trial judge to dispose of the injunction application expeditiously. The learned advocate appearing for the petitioners submits that the direction contained in the order dated 13th February, 2025 in Title Suit No.148 of 2025 shall be complied with.

After the injunction application is made ready for hearing, the learned Civil Judge (Senior Division), 2nd Court at Barasat is requested to dispose of the same as expeditiously as possible preferably within a period of six months from the date when the injunction application is made ready for hearing, after giving an opportunity of hearing to the respective parties and by passing a reasoned order.

Learned advocate for the petitions submits that the petitioners shall take steps for withdrawal of the Misc. Appeal No.29 of 2025. Such submission of learned advocate for the petitioners is placed on record.

With the above observation and direction, CO 820 of 2020 stands disposed of. There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)