

Court No. 6
(265719)

19.03.2025
(AD 30)
(S. Banerjee)

CO 956 of 2025

Bhawrilal Sanei & Anr.
Vs.
Ravi Sanei

Mr. Probal Mukherjee, Sr. Advocate
Mr. Sourajit Dasgupta
Mr. Shourajya Mukherjee
Mr. Vishwarup Acharyya
Mr. Akash Dutta

...for the petitioner

Mr. Saptanshu Basu, Sr. Advocate
Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Rupak Ghosh
Mr. Rahul Karmakar
Mr. Santosh Kumar Ray
Ms. Rituparna Sanyal
Ms. Antalina Guha

...for the opposite party

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being no. 4 dated February 28, 2025. By the said order the learned trial Judge directed that the application under Order 7 Rule 11 of the Code of Civil Procedure will be heard after disposal of the temporary injunction application.

Mr. Mukherjee, learned Senior Advocate, appearing for the petitioner submits that the opposite party herein have not impleaded all the co-sharers in the suit for partition. He further submits that in the

application under Order 7 Rule 11 other objections with regard to the maintainability of the suit has also been raised. Such submission is, however, disputed by Mr. Basu, learned Senior Advocate, assisted by Mr. Chatterjee, learned Senior Advocate.

This Court is of the considered view that the learned trial Court was not right in directing the hearing of the application under Order 7 Rule 11 of the Code of Civil Procedure after disposal of the application under Order 39 Rule 1 and 2 of the Code.

At this stage Mr. Chatterjee, learned Senior Advocate, prays for liberty to file a written objection to the application under Order 7 Rule 11 of the Code.

The opposite party no. 1 will be at liberty to file a written objection to the application under Order 7 Rule 11 of the Code on or before March 25, 2025.

It appears from the order-sheet that March 26, 2025 has been fixed for hearing of the injunction application. In view thereof, CO 956 of 2025 is disposed of by directing the learned Civil Judge (Sr. Division), 1st Court at Alipore to take up the hearing of the application under Order 7 Rule 11 of the Code on March 26, 2025 and to dispose of the same as expeditiously as possible.

It will be open to the learned trial Judge to consider the prayer for extension of the order of injunction on that date upon hearing the learned advocates for the respective parties.

(Hiranmay Bhattacharyya, J.)