

19.03.2025
Item no. 25.
Court No.6.
AB

C. O. 950 of 2025

**Smt. Laxmi Mondal
Vs
Sasadhar Mondal & Others**

Mr. Jayanta Mitrafor the Petitioner.

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against the order no.01 dated September 14, 2023 and the subsequent orders passed by the learned District Judge, 24 Parganas (South) at Alipore in Misc. Appeal No.322 of 2023.

The petitioner herein filed a suit for declaration and injunction. In such a suit, the petitioner filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure. The prayer for ad interim order of injunction was refused by the learned Trial Judge by an order dated August 18, 2023.

Being aggrieved with the refusal to pass ad interim order of injunction, the petitioner preferred a Misc. Appeal No.322 of 2023. After filing the miscellaneous appeal, the petitioner moved the prayer for injunction and the learned District Judge by the order dated September 14, 2023 refused to pass ad interim order of injunction after observing that the

petitioners have failed to establish the prima facie case.

After hearing the learned Advocate for the petitioner and going through the materials on record, this Court finds that the learned Trial Judge took note of the fact that two registered gift deeds were executed some times in the years 1991 and 1993 between Ananta Kumar Mondal and the defendants.

After considering the materials on record, the learned Trial Judge applied the legal tests for grant of an ad interim order of injunction and was of the view that the plaintiff /petitioner herein failed to satisfy the tests for grant of an ad interim injunction.

Since the learned District Judge refused the prayer for ad interim injunction some time in the month of September, 2023, there is no scope to pass any ad interim order at this stage. Faced with such situation, learned Advocate for the petitioner prays for a direction upon the learned District Judge to dispose of the Misc. appeal expeditiously.

In the light of the aforesaid submission made by the learned Advocate for the petitioner, C. O. No.950 of 2025 is disposed of by requesting the learned District Judge or the learned Additional District Judge to whom the records of the Misc. Appeal No.322 of 2023 has been transferred, to make an endeavour to see that the Misc. Appeal No.322 of 2023 is disposed of as

expeditiously as possible, if the same is otherwise ready for hearing, without granting any unnecessary adjournment to either of the parties.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Hiranmay Bhattacharyya, J.)