

28-04-2025
Item no.116
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1115 of 2025
Chandan Dey
-vs-
Soheli Dey & Anr.

Mr. Joydeep Acharya ...for the petitioner

Ms. Sushmita Ghosh
Mr. Parashar Baidya ...for the opposite parties

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated February 5, 2025 passed by the learned Civil Judge (Senior Division), Alipur in the Title Suit No.371 of 2020.

The opposite parties have filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. The learned trial judge passed an ad interim order on August 6, 2020 directing the parties to maintain status quo in respect of the suit property with regard to possession/share, structure, nature and character of the suit property for a limited period. The opposite parties filed an application under section 151 CPC praying for implementation of the ad interim order of injunction through police help.

Learned counsel for the petitioner submits that the petitioner has entered appearance in the said suit and has filed written objection to the application for injunction as well as against the application under section 151 CPC.

The grievance of the petitioner is that the hearing of the injunction application has been postponed till the

decision on the section 151 CPC application.

Heard learned counsel for both the parties.

Since the injunction application is otherwise ready for hearing, this court is of the considered view that interest of justice would be sub-served if the injunction application is disposed of expeditiously and thereafter the application for implementation of the ad interim order of injunction is taken up for hearing. Learned counsel for the petitioner submits that the next date in the said suit has been fixed sometime in the month of May 2025.

In the light of the submission made by learned counsel for the parties, CO No.1115 of 2025 is disposed of by requesting the learned Civil Judge (Senior Division), 6th Court at Alipore to take up the hearing of the application under Order XXXIX Rules 1 and 2 CPC on the next date fixed by the learned court and to dispose of the same as expeditiously as possible without granting unnecessary adjournment to either of the parties.

After disposal of the said application, the learned trial judge is further requested to take up the hearing of the section 151 CPC application and to dispose of the same in accordance with law after giving an opportunity of hearing to the respective parties and by a reasoned order.

All parties are to act on the server copy of this order duly downloaded from the official website of this court.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]

