

Sl.37
09.06.2025
Court No.6
BP

C.O. 1256 of 2025

Jasmin Ara Bibi Sepai alias Sapui
-versus-
Sk. Sabir Ali & Ors.

Mr. Bratin Kumar Dey
Ms. Anjana Banerjee
Mr. Joydeep Das
... for the petitioner

Mr. Tilak Mitra
Mr. S. Nanda
..for the opposite parties

This application under Article 227 of the Constitution is at the instance of the 8th defendant and is directed against an order being no.02 dated 7th March, 2025 passed by the learned District Judge, South 24 Parganas at Alipore in Miscellaneous Appeal No. 75 of 2025 arising out of Title Suit No. 319 of 2025.

The opposite parties herein filed a suit for partition and for other consequential reliefs. In such a suit the opposite parties filed an application under Order 39 Rule 1 and 2 and prayed for an ad interim order of injunction. The learned trial judge by an order dated 4th March, 2025 refused to pass an ad interim order of injunction.

Being aggrieved against such order the plaintiffs opposite parties preferred a miscellaneous appeal being Misc. Appeal No. 75 of 2025. The learned District Judge, South 24 Parganas at Alipore, by the order impugned,

passed an ad interim order of injunction restraining the defendant nos. 8, 9 and 10 and their men and agents from changing the nature and character of the suit property and from creating third party interest in the suit property till 8th April, 2025.

Mr. Dey, learned advocate appearing for the petitioner submits that after the learned trial judge refused to pass an ad interim order of injunction, the opposite parties obtained an ad interim order of injunction without serving any copy upon the petitioner.

Mr. Mitra, the learned advocate appears for the plaintiffs/opposite parties herein.

On a query as to whether the petitioner has entered appearance in the miscellaneous appeal Mr. Dey, learned advocate for the petitioner could not apprise this Court in that regard.

Since the petitioner has challenged the ad interim order of injunction passed in a miscellaneous appeal and the miscellaneous appeal is still pending, this Court is of the considered view that the interest of justice would be sub-served if the petitioner herein is granted liberty to take appropriate steps in the said miscellaneous appeal.

In view thereof, C.O. 1256 of 2025 is disposed of by giving liberty to the petitioner to take appropriate steps in the Miscellaneous Appeal No. 75 of 2025. The learned District Judge, South 24 Parganas at Alipore is requested to make an endeavour to dispose of the Miscellaneous

Appeal No. 75 of 2025 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)