

Court No. 6  
(265719)

**17.04.2025**  
(AD 18)  
(S. Banerjee)

CO 1311 of 2025

Satya Bala Ghosh  
Vs.  
Sanjoy Ghosh & Anr.

Mr. Arnab Roy  
Mr. Satyam Mukherjee  
Ms. Sayani Ahmed

...for the petitioner

Mr. Partha Sarathi Das  
Mr. Arijit Roy  
Mr. Gobinda Dey

...for the opposite party

Affidavit of service filed in Court today, is taken  
on record.

The opposite parties are represented.

This application under Article 227 of the  
Constitution of India is at the instance of the plaintiff  
and is directed against Order no. 5 dated March 28,  
2025, passed by the learned Additional District &  
Sessions Judge, Fast Track 4<sup>th</sup> Court at Barasat,  
North 24 Parganas in Misc. Appeal No. 36 of 2025. By  
the order impugned, the learned Judge of the first  
appellate court passed an order of stay of operation of  
ad interim order of injunction passed by the learned  
trial Judge on February 25, 2025.

After some arguments, Mr. Roy, learned advocate appearing for the petitioner submits that a direction be passed upon the learned Judge of the first appellate court to dispose of the miscellaneous appeal at the earliest. He submits that the petitioner herein has already filed written objection to the stay application and the miscellaneous appeal is otherwise ready for hearing.

It has been uniformly submitted by the learned advocate for the respective parties that May 6, 2025 has been fixed for hearing of the miscellaneous appeal along with the stay application.

Considering such fact, interest of justice would be subserved if the learned Judge of the first appellate court is directed to dispose of the miscellaneous appeal expeditiously.

In the light of the submissions made by the learned advocates for the respective parties, CO 1311 of 2025 is disposed of by requesting the learned Additional District & Sessions Judge, Fast Track 4<sup>th</sup> Court at Barasat, North 24 Parganas to take up the hearing of the miscellaneous appeal on the next date fixed, i.e., May 6, 2025 and to dispose of the same as expeditiously as possible, preferably by the end of May, 2025 without granting any unnecessary adjournments to either of the parties.

It is, however, made clear that this Court has not gone into the merits of the claims and counter-claims of the respective parties and the learned Judge of the first appellate court shall be free to decide all the points after giving a reasonable opportunity of hearing to the respective parties.

**(Hiranmay Bhattacharyya, J.)**