

Court No. 6
(265719)

28.08.2025
(AD 8)
(S. Banerjee)

CO 1738 of 2024

Unique Sales Organisation
Vs.
Diponkar Kolay

Mr. Saptansu Basu, Sr. Advocate
Mr. Ayan Banerjee
Mr. Abhijit Sarkar
Mr. Abhik Chitta Kundu

... for the petitioner

Mr. Debjit Mukherjee
Mr. Kaustav Bhattacharya
Ms. Priyanka Jana

... 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 order no. 3 dated April 4, 2024 passed by the learned Civil Judge (Jr. Division), 1st Court at Howrah in Title Suit No. 374 of 2024. By the order impugned, the application under Order 39 Rule 7 of the Civil Procedure Code stood allowed.

Mr. Basu, learned Senior Advocate appearing for the petitioner submits that the application under Order 39 Rule 7 of the Civil Procedure Code was allowed without giving the petitioner an opportunity to contest the same.

Heard Mr. Mukherjee, learned advocate appearing for the opposite party. He submits that the learned trial judge after considering the urgency involved in the matter, allowed such application.

However, after going through the order impugned this court finds that no reasons have been recorded to the effect that the object of making the order would be defeated by the delay on directing notice to be issued.

It is not in dispute that the application under Order 39 Rule 7 of the Civil Procedure Code was allowed without giving an opportunity to the petitioner to contest the same. The order impugned is an unreasoned one.

For all the reasons as aforesaid, the impugned order is set aside. The application under Order 39 Rule 7 of the Civil Procedure Code is restored to the file of the learned trial judge.

The opposite party will be at liberty to file written objection to such application within a period of two weeks from the date of receipt of a server copy of this order.

The learned trial judge is requested to take up the hearing of the application under Order 39 Rule 7 of the Civil Procedure Code and to decide the same

afresh after giving an opportunity of hearing to the respective parties and by passing a reasoned order as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations, CO 1738 of 2024 stands allowed.

(Hiranmay Bhattacharyya, J.)