

Court No. 6
(265719)

30.06.2025
(AD 49)
(S. Banerjee)

CO 2252 of 2025

Mihir Kumar Ganguly & Ors.
Vs.
Biswajit Malakar & Ors.

Mr. Partha Pratim Roy
Mr. Sarbananda Sanyal

...for the petitioners

The proforma defendants in a suit for declaration that the memorandum of understanding is valid and enforceable and for permanent injunction, have approached this court praying for a direction upon the learned Civil Judge (Jr. Division) 1st Court at Barasat to dispose of the application under Order 39 Rule 1 and 2 of the Civil Procedure Code filed in Title Suit No. 403 of 2024 expeditiously.

The grievance of the petitioners is that though the order dated April 8, 2024 has been passed directing the plaintiff and the proforma defendants to maintain a complete form of status quo in respect of the suit property, the petitioners, who are claiming to be the owner and in possession of the suit property, are being affected by the order of status quo.

Mr. Roy, learned advocate appearing for the petitioner further submits that the ad interim order of

injunction is being extended from time to time and the next date has been fixed only on November 4, 2025. He submits that a direction be passed upon the learned trial judge to prepone the next date of hearing.

This court is not inclined to prepone the date of hearing as this court is not aware of the business of the learned trial judge.

In view thereof, this court feels that interest of justice would be subserved if the petitioners are given liberty to approach the learned Civil Judge (Jr. Division) 1st Court at Barasat by filing an appropriate application for preponing the next date of hearing of the injunction application. If such an application is filed, the learned trial judge shall consider the same and pass orders in accordance with law keeping in mind the difficulties that the petitioners may be facing as a result of the order of status quo.

With the above observation, CO 2252 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)