

17.11.2025
Ct. No. 30
SL No. **33**
MKP

CO 2129 of 2022

Imran Ansari And Anr

Vs.

M/S Fab Leathers India Pvt Ltd

Mr. Md. Adil Badr
Mr. Sobhan Gani
Mr. Md.Aqib Badr
Mr. Shakti Shivam

.....for the Petitioners

1. The revisional application has been preferred challenging order dated 07.07.2022, passed by the Learned Additional District Judge, 5th Court at Alipore, in connection with Misc. Appeal 56 of 2022.
2. Vide the order dated under challenge, the Appellate Court being the Learned Additional District and Sessions Judge, 5th Court, Alipore, rejected the defendant/petitioner's application under Order 39 Rule 4 C.P.C and extended an interim order of injunction restraining the defendant/petitioner herein from causing any obstruction, etc. to the

plaintiff/opposite party herein. Police help was also directed by the Court and application under Order 39 Rule 1 & 2 C.P.C. was fixed for hearing along with the injunction application.

- 3.** It appears that the Appellate Court considered the application under Order 39 Rule 4 C.P.C. but did not consider the application under Order 39 Rule 1 & 2 C.P.C. along with the said application, which is to be considered together, considering that the issue involved is the same in both the applications.
- 4.** Be that as it may, the injunction application is pending before the Court and it is submitted that at this stage, the petitioners have already carried out the work required, with the protection of the order of injunction passed by the Court and police help.
- 5.** It is thus submitted that this revisional application challenging the said order has now become infructuous.
- 6.** Both parties have filed their written notes as per the direction of the

Court. The petitioner herein has noted the **history** of the suit and the details of the said property which is to be considered by the Trial Court while deciding the suit.

7. The petitioner has further alleged fraud and suppression of facts, which was also raised before the Appellate Court. The petitioner has also relied upon several judgments in support of their contentions.
8. It appears that the opposite party herein, have already got the relief as prayed for in their application for temporary injunction.
9. Thus petitioner's prayer for setting aside of the said order, which was in force, leading to the opposite party getting its relief, has now become infructuous.
10. Civil revision is accordingly disposed of with the direction that the Appellate Court shall proceed with the appeal expeditiously and dispose of the Misc.Appeal preferably within 30 days from the date of this order.
11. The Civil Revision stands **disposed of.**

- 12.** Applications, if any, connected thereto stand disposed of consequently.
- 13.** Interim order, if any, stands vacated.
- 14.** Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]