

D/L- 10
12/08/2025
Ct. No.-6
Aritra

C.O. 2716 of 2025

**Bubai Josh
Vs.
Ali Hossain Sekh**

Mr. Siddhartha Banerjee
Mr. Arka Chandra Roy
Mr. Rajib Mullick
Ms. Shirsha Chakraborty
Mr. Anjan Bhandari

....for the petitioner

Mr. Uttiya Ray
Ms. Pinky Saha

....for the opposite party

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

Mr. Banerjee, learned advocate appearing for the petitioner draws the attention of the Court to a typographical error which has crept in page 2/3 of the said order wherein it has been recorded that on an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure Code being filed by the opposite parties herein, the learned trial judge by an order dated June 3, 2025 dismissed the suit under Order 7 Rule 11 of the Code of Civil Procedure. The said paragraph shall be deleted and in its place the following the paragraph shall be inserted:-

“On an application under Order 7 Rule 11 of the Code of Civil Procedure Code being filed by the opposite parties herein, the learned trial judge by an order dated

June 3, 2025 dismissed the suit under Order 7 Rule 11 of the Code of Civil Procedure.”

In the next paragraph the appeal number has been wrongly mentioned as Title Appeal No.195 of 2022 instead of Title Appeal No.20 of 2025.

Let the aforesaid errors be rectified. This portion of the order shall form part of the order dated July 29, 2025.

This matter was mentioned for extension of interim order.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the interim order is due to expire on August 14, 2025.

Mr. Ray, learned advocate for the opposite party vehemently opposed the prayer for extension of interim order. He submits that though this Court by an order dated July 29, 2025 made it clear that pendency of this civil revision application shall not preclude the learned judge of the First Appellate Court from taking up the hearing of the injunction application on August 2, 2025, the petitioner herein prayed for an adjournment before the learned judge of the Appellate Court on that date.

Such submission is disputed by Mr. Banerjee, learned advocate for the petitioner.

A copy of the order being No.7 dated August 2, 2025 passed by the learned Additional District Judge, 3rd Court at Burdwan has been produced before this Court.

After going through the said order, this Court finds that the learned judge of the Appellate Court was not inclined to hear the application for injunction without going through the text of the order passed by this Court on July 29, 2025. It further appears from the said order that September 10, 2025 has been fixed for hearing of the injunction application.

On a query of the Court Mr. Banerjee, learned advocate appearing for the petitioner submits that an advance copy of the affidavit-in-reply shall be served upon the learned advocate for the opposite party before the learned judge of the Appellate Court on or before August 22, 2025. It appears from the order dated August 2, 2025 that the injunction application has been fixed for hearing on September 10, 2025.

In view thereof, this Court is inclined to extend the interim order for a limited period.

CO 2716 of 2025 stands disposed of by extending the interim order passed by this Court on July 29, 2025 till September 17, 2025 or until further orders that may be passed by the learned judge of the Appellate Court upon hearing the learned advocates for the respective parties.

It is however, made clear that the learned judge of the Appellate Court shall be free to proceed with the hearing of the injunction application without being influenced by the fact that this Court had passed an ad

interim order of injunction on July 29, 2025 and has extended the same by the order passed today.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)