

M/L- 683
16/07/2025
Ct. No.-6
Aritra

C.O. 2606 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2025 (Not in file)
Smriti Das
Vs.
Amit Ranjan Kumar & Ors.

Mr. Kishore Mukherjee
Mr. Ahitagni Dey

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being No.3 dated July 5, 2024 passed by the learned Additional District Judge, 2nd Court, Barasat, District-North 24-Parganas in Miscellaneous Appeal No.86 of 2024.

The petitioner filed a suit for declaration of title and permanent injunction. In such a suit the petitioner filed an application under Order 39 Rule 1 and 2 of the Code of Civil Procedure and the learned trial judge by an order dated June 28, 2024 rejected the ad interim prayer for injunction.

Being aggrieved, the petitioner preferred a miscellaneous appeal being Miscellaneous Appeal No.86 of 2024 and prayed for an ad interim order of injunction. The learned Additional District Judge, 2nd Court, Barasat, District-North 24-Parganas by an order dated

July 5, 2024 refused to pass an ad interim order of injunction.

This matter is pending before this Court since July, 2024.

However, considering the fact that the learned trial judge and the learned judge of the First Appellate Court refused to pass an ad interim order of injunction, this Court is of the considered view that the interest of justice would be sub-served if the learned judge of the First Appellate Court is directed to dispose of miscellaneous appeal expeditiously.

CO 2606 of 2024 stands disposed of by requesting the learned Additional District Judge, 2nd Court, Barasat, District-North 24-Parganas to make an endeavour to see that the Miscellaneous Appeal No.86 of 2024 is disposed of as expeditiously as possible but preferably within a period of four (4) months from the date when the miscellaneous appeal is made ready for hearing.

Mr. Mukherjee, learned advocate for the petitioner submits that in the meantime the bank has transferred the property to a third party and for impleading such party an application being CAN 2/2025 has been filed. The application being CAN 2/2025 stands disposed of by giving liberty to the petitioner to take out an appropriate application in the miscellaneous appeal.

CAN 1/2024 stands disposed of by giving liberty to the petitioner to take out an appropriate application in the miscellaneous appeal for selfsame reliefs.

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.)