

13
11.09.2025
Court. No. 40
Jayanta

CO 3020 of 2025

SUNIL KUMAR SAHA AND ORS
VS
ARINDAM ROY AND ORS

Sr. Adv. Jayanta Kr. Mitra,
Adv. Rohit Das
Adv. Debdut Mukherjee
Adv. Kaushik Banerjee
Adv. Rashmita Sen

...for the Petitioners.

Adv. Rabindra Kumar Pathak
Adv. Prasant Kumar Singh

...for the Respondent No. 1 to 27.

Affidavit-of-service filed by the learned counsel
for the petitioner be kept in record.

The instant Civil Revision application is filed
against the impugned order and judgment dated 19th
July, 2025 passed by the learned Addl. District &
Sessions Judge, 1st Tract Court No. 4 at Barrackpore,
North 24 Prgs.

The original plaintiff being respondent no. 1 to 27
herein filed an application praying for *ad interim* order
of injunction. The prayer of passing *ad interim* order
ex-parte was refused by the Civil judge, Junior
Division, 2nd Court at Barrackpore, 24 Prgs. North in
terms of order no. 1, dated 23rd December, 2022.

An appeal was preferred against the impugned
order of refusal which was registered as Miscellaneous
Appeal no. 1 of 2023. The appeal was finally heard and

decided by the Appellate Court in terms of judgment dated 19th July, 2025.

The learned Counsel for the petitioner submitted that in terms of the impugned appellate judgment, the learned Appellate Court directed the parties to maintain *status-quo* as to the nature, character and possession of 'B' schedule property till disposal of the Suit, whereas the impugned appellate order was supposed to be passed in respect of an *ad interim ex parte* order.

In other words, the Appellate Court heard the injunction application on merit which behoved on the Trial Court to decide.

The learned counsel for the respondent nos. 1 to 27 submitted that if the order of *status-quo* is varied, modified or vacated there larks every chance to change the nature and character of the suit property.

I have heard the rival submissions.

The injunction application is still pending before the learned Trial Court. At this stage, this Court refrains from making any fact finding or observation in respect of the merit of the rival pleas contained in the injunction application as well as in the affidavit-in-opposition.

In order that the very purpose of filing the injunction application is not frustrated the parties herein shall continue to maintain *status-quo* as to nature, character and possession of the suit property

till final disposal of the injunction application by the learned Trial Court.

The instant Civil Revision application is disposed of giving direction to the learned Trial Court to hear and dispose of the pending injunction application preferably within Puja Vacation.

The learned Trial Court shall pass order on merit of injunction application after considering the rival pleadings without being affected or without being influenced by the observations made by the Appellate Court as well as by this Court.

The instant Civil Revisional application stand disposed of.

(Sugato Majumdar, J.)