

Court No. 6
(265719)

26.08.2025
(AD 23)
(S. Banerjee)

CO 3029 of 2025

Smt. Krishna Bhowmik (Mondal) & Ors.
Vs.
Sri Narayan Chandra Maity & Ors.

Mr. Sounak Mandal

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendants and is directed against order no. 2 dated July 19, 2025 passed by the learned District Judge at Tamruk, Purba Medinipur in Title Appeal No. 12 of 2025. By the order impugned, the prayer for ad interim injunction, stood rejected.

Mr. Mandal, learned advocate appearing for the petitioners submits that the opposite parties are trying to dispossess the petitioners from the suit property and for which the petitioners filed an application for temporary injunction in the title appeal.

The opposite parties filed a suit for declaration of title and permanent injunction. The said suit was decreed on contest against the principal defendant nos. 1 to 6/petitioners herein and ex parte against proforma defendant nos. 7 and 8. By the said judgment and decree, the right, title, interest and

possession of the plaintiffs/opposite parties in the suit property was declared and it was further declared that the recording in the LR record of rights is erroneous and baseless and the defendants/petitioners herein were permanently restrained from disturbing the peaceful possession of the plaintiffs in the suit property.

Thus, this court finds that the decree for permanent injunction has been passed against the petitioners herein. The petitioners have preferred a Title Appeal being no. 12 of 2025 challenging the said judgment and decree. Since the learned trial judge upon a contested hearing passed a decree for permanent injunction, the prayer for ad interim injunction was rightly rejected by the learned judge of the first appellate Court as no case of urgency could be made out by the petitioner.

It appears from the impugned order that September 15, 2025 has been fixed for service returns and acknowledgment due and for arrival of trial court records.

In the event the requisites are put in and the plaintiffs/opposite parties are duly served, the learned Judge of the first appellate court shall make an endeavour to take up the hearing of the injunction application and dispose of the same in accordance with law as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observations CO 3029 of 2025
stands disposed of.

(Hiranmay Bhattacharyya, J.)