

Sl.45
28.08.2025
Court No.6
BP

C.O. 3146 of 2025

Shyama Rungta & Ors.
-versus-
Usha Holding and Enclave Pvt. Ltd. & Ors.

Mr. Sourojit Dasgupta
Mr. Ashis Kumar Mukherjee
Mr. Saurabh Prasad
... for the petitioners

This application under Article 227 of the Constitution of India is at the instance of the appellants in Miscellaneous Appeal No. 257 of 2025 and is directed against an order dated August 7, 2025 passed by the learned District Judge at Alipore.

By the order impugned the miscellaneous appeal filed under the provisions of Order 43 of the Code of Civil Procedure was held to be not maintainable. The learned trial judge by an order dated 29th July, 2025 refused to pass an ad interim order of injunction and being aggrieved by such order the petitioner preferred a miscellaneous appeal.

After some argument the learned advocate appearing for the petitioners submits that a direction be passed upon the learned trial judge to dispose of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure expeditiously. He further submits that 4th November, 2025 is fixed for hearing of the said application for temporary injunction.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioners shall be obliged to forward a copy of this application along with this order upon the opposite party or upon the learned advocates representing the opposite party before the learned executing court.

In the light of the submissions made by the learned advocate for the petitioners, C.O. 3146 of 2025 stands disposed of by requesting the learned Civil Judge (Junior Division), 2nd Court at Alipore to take up the hearing of the application under Order 39 Rule 1 and 2 of the Code of Civil Procedure on the next date fixed i.e. on 4th November, 2025, if the same is otherwise ready for hearing, and to make an endeavour to dispose of the same as expeditiously as possible but preferably within a period of eight weeks from the next date fixed without granting any unnecessary adjournments to either of the parties.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)