

04
18.09.2025
S. Das
Court no. 9

**In The High Court At Calcutta
Civil Revisional Jurisdiction
Appellate Side**

C. O. No. 3209 of 2025

**Raju Das
-versus
Himanish Purkait**

**Mr. Debanik Banerjee,
Mr. Steven S. Biswas
Mr. Huzaifa Shahid
...For the Petitioner.**

1. Learned advocate for the petitioner(defendant no.10) is present. Heard learned advocate for the petitioner(defendant no.10).

2. This application is directed against Order No. 3 dated July 18, 2025 passed by learned Civil Judge(Senior Division), 1st Court, Baruipur in Misc. Appeal No. 47 of 2025.

3. The petitioner was an appellant before the learned appellate court and is aggrieved by the order of refusal of interim stay passed by the learned appellate court against the order dated 26th September, 2024 passed by the learned Civil Judge(Junior Division), 1st court, Baruipur arising out of Title Suit No. 715 of 2024.

4. Learned advocate for the petitioner submits that the plaintiff has obtained an order from the trial court by mis-representation.

5. Learned advocate draws the attention to certain documents filed in the petition.

6. Upon perusing the order passed by the learned trial court as well as the learned appellate court, this court is of the view that as the order was passed upon being prima facie satisfied with regard to the case on the documents filed

and the learned appellate court was only pleased to refuse the inter order of stay, it would not be reasonable to go into the merits in this application under Article 227 of the Constitution where the scope is limited.

7. Thus, this application is disposed by granting liberty to the petitioner(defendant no.10) to file objection to the learned trial court and bring into record all relevant documents which he is relying in this petition.

8. It is, however, made clear that this Court has not gone into the merits of the case and all points will be left open to be decided by the learned trial court.

9. As the application for injunction will be decided by the learned trial court on merits, no fruitful purpose will be served in keeping the Misc. Appeal No. 47 of 2025 before the learned appellate court.

10. Thus, Misc. Appeal No. 47 of 2025 pending before learned Civil Judge(Senior Division), 1st Court, Baruipur is treated to be disposed.

11. Learned Civil Judge (Junior Division), 1st Court, Baruipur is requested to dispose the injunction application filed in Title Suit No. 715 of 2024 within a period of 5(five) weeks from the next date fixed.

12. All parties shall act in terms of the copy of this order duly downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)