

Court No. 6
(265719)

16.09.2025
(AD 48)
(S. Banerjee)

CO 3327 of 2025

Jaba Chakravorti
Vs.
Kalpana Mukherjee & Ors.

Mr. Biswaroop Bhattacharjee
Mr. Aniruddha Chatterjee, Sr. Advocate
Mr. Jishnu Chowdhury, Sr. Advocate
Mr. Ayan Banerjee
Ms. Swagata Samanta

...for the petitioner

Mr. Joydip Kar, Sr. Advocate
Ms. Mohan Kumar Sanyal
Mr. Swaipayan Sanyal
Mr. Arunesh Pathak

...for the opposite party nos. 1 to 4

Mr. Anuj Singh
Ms. Rupal Singh
Mr. Ashok Kumar Singh

...for the opposite party no. 5

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against the judgment and order dated June 23, 2025 passed by the learned Additional District Judge, 8th Court at Barasat in Misc. Appeal No. 156 of 2024. By the judgment and order impugned, the Miscellaneous Appeal arising out of the order dated November 7, 2024 passed by the learned Civil Judge (Jr. Division), Bidhannagar in Title Suit No. 334 of 2024, stands rejected.

Mr. Chatterjee, learned Senior Advocate appearing for the petitioner submits that the petitioner is in possession of the B Schedule property and the opposite parties herein are trying to evict the petitioner from the B schedule property without due process of law.

Learned advocate appearing for the opposite party no. 5 disputes the submission of Mr. Chatterjee, learned Senior Advocate. He submits that the petitioner is in illegal possession of the B schedule property. He disputes the contention of Mr. Chatterjee that the opposite parties are trying to oust the petitioner forcibly from the B schedule property without due process of law.

Heard Mr. Kar, learned Senior Advocate appearing for the opposite party nos. 1 to 4.

After hearing the learned advocates for the respective parties this court finds that there is no dispute that the petitioner is in possession of the B schedule property. Whether such possession is lawful or not, is the subject-matter of dispute between the parties. Such an issue can be decided at the time of final hearing of the suit.

In view of the specific stand taken by the learned advocate appearing for the opposite party no.

5 that they will not evict the petitioner from the B schedule property without due process of law, this court is inclined to dispose of the civil revision application by passing the following order:-

The judgment and order dated June 23, 2025 passed by the learned Additional District Judge, 8th Court at Barasat in Misc. Appeal No. 156 of 2024, thereby affirming the order dated November 7, 2024 passed by the learned Civil Judge (Jr. Division), Bidhannagar in Title Suit No. 334 of 2024 is set aside.

There shall be an order of injunction restraining the opposite parties from dispossessing the petitioner from the B schedule property as specifically described in the plaint of Title Suit No. 334 of 2024, without due process of law till the disposal after injunction application.

CO 3327 of 2025 stands disposed of.

(Hiranmay Bhattacharyya, J.)