

Court No. 6

(265719)

17.09.2025

(AD 15)

(S. Banerjee)

CO 3388 of 2025

Sutapa Ghosh

Vs.

Gurunanak Overseas Company Private Limited & Anr.

Mr. Debanik Banerjee

Mr. Aniruddha Ganguly

Ms. Huzaifa Shahid

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against a judgment and order dated February 27, 2025 passed by the learned Additional District Judge, 11th Court at Alipore in Misc. Appeal No. 402 of 2022.

Learned advocate appearing for the petitioner submits that the learned trial judge as well as the learned judge of the appellate court without considering the urgency involved in the instant matter, refused to pass an ad interim order of injunction in favour of the petitioner.

The petitioner filed a suit for declaration of tenancy right and for a further declaration that the defendants have no right, title and authority to oust the plaintiff from the suit property without due

process of law and for permanent injunction restraining the defendants and their men and agents from causing any disturbance, interference and obstruction in the peaceful possession and enjoyment of the plaintiff in respect of the suit property. After filing the said suit the petitioner filed an application under Order 39 Rule 1 and 2 of the Civil Procedure Code and moved the prayer for ad interim order of injunction.

The learned trial judge refused to pass an ad interim order of injunction upon holding that the petitioner did not file any recent document to show that she is in possession of the suit property.

Being aggrieved by such order the petitioner preferred Misc. Appeal No. 402 of 2022 which was dismissed upon a contested hearing by a judgment and order dated February 27, 2025 upon holding that the petitioner did not file any recent document to show that she is in possession of the suit property.

Upon going through the impugned orders this court finds that the ground for refusal to pass an ad interim order of injunction was that the petitioner failed to produce any document to show her possession in respect of the suit property. The order passed in the misc. appeal on February 27, 2025 has

been challenged by filing an application under Article 227 of the Constitution of India only on September 9, 2025. The misc. appeal arose out of an order passed by the learned trial judge refusing to pass an ad interim order of injunction way back in the month of November, 2022 and the learned judge of the appellate court, upon a contested hearing, refused to pass an ad interim order of injunction.

This court, therefore, is of the view that no useful purpose would be served in admitting this civil revision application. The interest of justice would be sub-served if the learned trial judge is directed to dispose of the application for temporary injunction expeditiously.

CO 3388 of 2025 stands disposed of by requesting the learned Civil Judge (Jr. Division), 4th Court at Alipore to make an endeavour to dispose of the application for temporary injunction filed in Title Suit NO. 1843 of 2023 as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

It is, however, made clear that this civil revision application arises out of an order refusing to pass an ad interim order of injunction. The observations made hereinbefore are only for the purpose of supporting

the ultimate conclusions in this order and the same shall not prejudice the parties before the other forums.

(Hiranmay Bhattacharyya, J.)