

15.12.2025
Ct. No. 06
Sl. No.7
skg

C.O. No. 3562 of 2025

Dharam Nath Singh
Vs.
Vikash Burnwal & Ors.

Mr. Arnab Roy,
Mr. Satyam Mukherjee,
Mr. Purnendu Shekhar Ghosh,
Mr. Saibal Rakshit,

.....for the petitioner

Mr. B.N. Ray

....for the opposite party no.1 & 2

1. The petitioner is aggrieved by the order dated June 16, 2025 passed by the learned Addl. District Judge, 2nd Fast Track Court at Asansol, Paschim Bardhaman in Misc. Appeal No. 1 of 2024. The learned Addl. District Judge dismissed the Misc. Appeal with various observations on the merits of the suit and the maintainability of the preemption application.
2. The prayer for ad interim order was refused by the learned trial Judge. The Misc. Appeal was preferred. The Misc. Appeal was dismissed with observations.
3. The appeal court should not have gone into the merits of the suit in such great detail, when the injunction application was still pending before the learned trial Judge. However, it is well settled that any observations made in the appeal from an interlocutory order are only tentative. The observations in the Misc. Appeal

shall not have any impact or influence when the trial court will hear the injunction application on merits.

4. Under such circumstances, the conclusion of the appeal court is not interfered with, but it is made clear that all the observations made by the appeal court in the Misc. appeal are tentative and the learned trial judge will dispose of the application for injunction, strictly in accordance with law, independently and without being influenced by the observations made in the order impugned.
5. The revisional application is accordingly dismissed.
6. There shall be no order as to costs.
7. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)