

14.10.2025
Ct. no. 5
Item no. 4
sb

CO 3682 of 2025

**Misbha Fatima
Vs.
Smt. Manju Podder & Ors.**

Mr. Satrajit Sinha Roy
Mr. Tapan Roy ...for the Petitioner

1. This instant application has been filed under Article 227 of the Constitution of India assailing the order dated 18.03.2024 passed by the learned Civil Judge (Junior Division) at Bidhannagar in Title suit no. 371 of 2023 (Smt. Manju Podder Vs. Misbha Fatima)
2. By the said impugned order, learned trial court allowed the ad interim order of injunction under Order 39 Rule 1 and 2 of the Code of Civil Procedure filed by the plaintiff with a direction upon the defendants restraining from creating third party interest in the suit property involved in the Title suit as the suit was filed for declaration and permanent injunction.
3. It is the specific case of the petitioner/defendant that the application under Order 39 Rule 4 as well as Order VII Rule 11 of the Code of Civil Procedure has been filed by the petitioner before the Trial court but the same was not disposed of as yet.

4. Learned counsel appearing on behalf of the petitioner submits the Trial court has no pecuniary jurisdiction to entertain the said title suit.
5. Upon perusal of the order, this court finds that applications are required to be considered by the Trial court by disposing the application filed under Order 39 Rule 4 for vacating the interim order as well as Order VII Rule 11 of the Code of Civil Procedure for rejection of plaint.
6. With the above observations, the revisional application is disposed of without serving notice and application thereto upon the opposite parties as the prayer is innocuous and genuine.
7. Service of notice upon the opposite parties is hereby dispensing with. The Trial court is requested to dispose of both the applications together as expeditiously as possible on the basis of day-to-day hearing.
8. Parties shall act on the basis of the server copy of this order, duly downloaded from the official website of this court.

(Ajay Kumar Gupta, J.)