

Item No. 4
26.11.2025
Court. No. 6
GB

C.O. 3939 of 2025

Kamal Kumar Jain & Ors.
Vs.
Varun Jain

*Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal,
Mr. Soumya Basu Roy Chowdhuri*

...for the Petitioners.

*Mr. Rachit Lakhmani,
Mr. Soubhik Dey*

...for the Opposite Party.

1. The certified copy of the order impugned has been produced before this Court.
2. The petitioners are aggrieved by the orders dated November 6, 2025 and October 31, 2025, passed by the learned Civil Judge (Senior Division), 2nd Court at Barasat, District – North 24 Parganas in Title Suit No.1174 of 2025.
3. By the order dated October 31, 2025, an order of ad interim injunction restraining the defendants in the suit from disturbing the possession of the plaintiff in respect of the suit property without due process of law was granted. The petitioners before this Court are the defendants in the suit. It is informed that the defendants/petitioners have already filed their application under Order 39 Rule 4 of the Code of Civil Procedure, for vacating the ad-interim order.
4. This Court does not wish to make any observation on the pending application for temporary injunction. The same shall proceed in accordance with law.

5. The Court is of the view that interference with the order dated November 6, 2025 is called for on the ground that an ex parte order for grant of police help was allowed in respect of the dwelling house. Parties are related to each other. The order dated November 6, 2025 does not record any reason. There is no, prima facie, satisfaction of the Court that the order of ad interim injunction was being violated. It is also a fact that the petitioner no.3 is getting married very soon. The order dated November 6, 2025 is set aside.
6. Under such circumstances, all parties will enjoy their respective portions. None of them will disturb each other. The marriage ceremony shall go through peacefully.
7. A copy of the application under Section 151 of the Code of Civil Procedure seeking police help shall be served upon the petitioner and their learned advocate in the trial court. The petitioners shall be entitled to file their objection to the said application and the application for grant of police help shall be heard afresh.
8. With these observations and directions the order impugned is set aside.
9. Accordingly, the revisional application is disposed of.
10. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)