

Item No. 15
08.12.2025
Court. No. 6
GB

C.O. 4044 of 2025

Sri Krishna Kumar Rajgaria & Ors.
Vs.
Tomannash Chowdhury & Ors.

*Mr. Falguni Bandyopadhyay,
Ms. Sreetama Neogi,
Ms. Riya Ballav,
Mr. Tamal Mukherjee,
Mr. Aindrik Chatterjee*

...for the Petitioners.

1. This is an application challenging an order dated September 25, 2025, passed by the learned Civil Judge (Junior Division), Purulia (In-Charge).
2. The learned court rejected an application under Section 151 of the Code of Civil Procedure seeking recall of an order of ad interim injunction dated September 20, 2025. The said application was taken up for hearing on the basis of a put up application filed by the petitioner i.e. the defendant no.1 in the suit. The contention of the petitioner was that the ad interim order of injunction was obtained by suppressing that a caveat had been lodged by the defendant no.1. Hence, the same should be set aside.
3. The court made the Sheristadar make an enquiry and the Sheristadar reported that the number of one of the the suit plots and the police station in the plaint and in the caveat did not match. Under such circumstances, the caveat report was not incorporated. Learned Court rejected the application.

4. Mr. Bandyopadhyay, learned advocate for the petitioners submits that one plot number was correct, the mouza was also correct and as such, the learned court should have recalled the order. The court was of the view that the caveat application was not in proper form and did not disclose the correct identity of the location of the suit property.
5. I do not find any illegality in the order impugned. The mistakes in the caveat application are available on the face of the record. The petitioners have a right to pray for variation or vacation of the ad interim order of injunction by filing an appropriate application. If such application is filed, the same shall be heard by the learned court expeditiously and independently, upon giving a chance to the plaintiffs to contest such proceeding.
6. This Court has not gone into the merits of the order of ad interim injunction.
7. Accordingly, the application is disposed of.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)