

19.02.2025
Ct. No. 30
S.L No.29
SM

CO 4109 of 2024
CAN 1 of 2025
Dr. Mrs. Kalyani Chatterjee & Anr.
Vs
Pradip Kumar Chattopadhyay & Ors.

Mr. Kallol Basu
Mr. Arnab Mukherjee
Ms. Shreejita Sen
.....for the petitioners

The present revisional application has been preferred against an order dated 01.10.2024 passed by the learned Civil Judge, 3rd Court, (Senior Division) at Alipore in Title Suit No. 17378 of 2014 (renumbered from Title Suit No. 9 of 1991) [Smt. Chhaya Debi & Ors. Vs. Dr. (Mrs.) Kalyani Chatterjee & Ors.]. It appears from the order under revision that the learned Trial Court refused the prayer of the defendants/petitioners herein on the ground that the defendant could not place any order of injunction passed by the Hon'ble High Court as submitted.

Learned counsel appearing for the petitioners/defendants has brought the notice of the Court to the order of injunction passed by the High Court in FMAT 2512 of 1991 dated 22.03.1993 at page 43 of the revisional application.

It is submitted that though the said order was placed before the Trial Court, the Trial Court passed such an order which is not in accordance with law.

Considering the nature of relief prayed for, service is dispensed with and the order dated 01.10.2024 is set aside.

The application under Section 151 CPC filed by the defendant is restored to the file of the Trial Judge who is directed to hear the application under Section 151 of the CPC **afresh** in presence of both the parties and dispose of the same in accordance with law.

The petitioner herein being the defendant before the Trial Court is granted leave to place the order of injunction passed by the High Court, before the Trial Court, who shall then consider the same and by passing a fresh order shall dispose of the said application within a period of 30 days from the date of communication of this order.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the Trial Court at once.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]