

11.02.2025
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**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURIDICITION
APPELLATE SIDE**

C.O. 25 of 2025

Sahijuddin Md @ Md Sahijuddin & Ors.
-VS-
Galenu Bibi

Mr. Saumyajyoti Dutta
Mr. Gopal Sah

... for the petitioners

An order of the learned Additional District Judge, Mekhliganj dated September 13, 2004 is under challenge in the present case.

The fact remains that in Title Suit No. 112 of 2023 filed before the learned Civil Judge, Junior Division, Mekhliganj, the present opposite parties have obtained an ex-parte ad interim order of injunction dated December 12, 2023.

Allegedly, since thereafter the said order has been extended by the Court without assigning any reason for the same.

Mr. Dutta, learned advocate for the petitioners would rely on a judgment of the Hon'ble Supreme Court reported in AIR 2000 SC 3032(Venkatasubbiah Naidu v. S.Chjellappan & Ors.) to submit that in terms of the specific statutory provision as enumerated under Order 39 Rule 3A,

CPC, the Court has held that unreasoned extension of ex-parte interim order would not be maintainable in the eye of law.

Mr. Dutta, learned advocate appearing for the petitioners would also submit that the petitioners' prayer for stay of the order of the Civil Judge, Junior Division, Mekhliganj, as made before the learned Additional District Judge, Mekhliganj, has been turned down, in violation of the said statutory provision as well as the law as propounded by the Supreme Court in the judgment as referred to above.

Hence, the petitioners are aggrieved as to the illegality and propriety of the order dated September 13, 2024 passed by the learned Additional Sessions Judge, Mekhliganj in Misc. Appeal No. 3 of 2024.

Considering the facts and circumstances, the Court does not find it necessary to direct service of notice in this matter.

Instead the Court is inclined to dispose of this civil revision by setting aside the order impugned i. e. September 13, 2024 passed by the learned Additional Sessions Judge, Mekhliganj in Misc. Appeal No. 03 of 2024 and directing the said Court to immediately return the lower court records, if received, to the Court of Civil Judge, Junior

Division, Mekhliganj and direct the same to take up and decide the application for temporary injunction, filed by the present opposite party, in Title Suit No. 112 of 2023.

Let the temporary injunction petition filed by the present opposite party in Title Suit No. 112 of 2023 be disposed of on the next date fixed that is March 6, 2025 after granting opportunity to the parties for arguments but without granting unnecessary adjournment, to any of them.

With the directions as above, the present revision case No. C.O.25 of 2025 is disposed of.

(Rai Chattopadhyay, J.)