

10.02.2025
Ct. 3
D/L 20
sk

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

C.O. 29 of 2025

Paban Agarwal & Ors.

-VS-

State of West Bengal & Ors.

Mr. Ajay Kr. Singhanian
Mr. Shivam Bhimsania
Mr. Kumar Dhrubajyoti Narayan

... for the petitioners

Mr. Subrata Sarkar
Ms. Madhusree Dutta

...for the respondents.

The petitioner is aggrieved that in spite of ex parte order of ad-interim injunction having been passed by the trial court on 15.2.2024, the temporary injunction petition of the plaintiff before it, i.e. the present opposite party, has not been taken up yet for hearing and disposal.

Learned advocate for the petitioner has submitted that the present petitioner being the defendant in the suit before the Trial Court in Title Suit No. 99 of 2024, had entered appearance on 3.7.2024.

On 23.8.2024 the said defendant/present petitioner has filed the written statement and his objection to the petition for temporary injunction.

Admittedly, since thereafter the Court has not taken up the prayer for temporary injunction filed before it by the present opposite party/plaintiff, which according to the present petitioner/defendant is in violation of the provision of Order 39 Rule 3A of the Code of Civil Procedure.

Hence, the petitioner in the present case has sought for an appropriate order.

Mr. Ajoy Kr. Singhania, learned advocate is appearing for the present opposite party/plaintiff.

In view of the facts and circumstances the Court is inclined to direct the learned Civil Judge, Junior Division, Jalpaiguri to take up the temporary injunction petition dated 15.12.2024, of the present opposite party/plaintiff, on the next date fixed in Title Suit No. 99 of 2024, i.e. 28.2.2025. Let the trial court dispose of the same upon hearing the parties in the suit and without granting unnecessary adjournment to any of the parties on the said date.

With the directions as above, the present revision case No. C.O.29 of 2025 is disposed of.

(Rai Chattopadhyay, J.)