

JPS-11
Ct No.01
23.07.2025
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Civil Appellate Jurisdiction

C.O. 96 of 2025

Smt. Pushpa Rani Ghosh @ Puspa Ghosh and others
Vs
Bidyut Ghosh @ Shashti and others

Ms. Kakali Roy
Mr. Soumyajyoti Dutt

.... for the petitioners.

1. The present challenge has been preferred against the refusal by the Appellate Court to grant stay of operation of a status quo order passed by the trial court while deciding an application for temporary injunction at the behest of the plaintiffs/opposite parties.
2. Learned counsel for the defendants/petitioners submits that the status quo order was obtained by the plaintiffs/opposite parties by suppression of relevant facts.
3. It is contended that despite the plaintiffs/opposite parties having lost their title in the property by virtue of transfer in favour of the defendants, the learned trial Judge failed to advert to such issue on merits while granting the status quo.
4. In view of such suppression, it is argued that the learned Judge of the Appellate Court ought to have

stayed the operation of the impugned order of status quo passed by the trial court.

5. On query of court, learned counsel for the petitioners, in his usual fairness, hands over a copy of an order dated December 12, 2024 where a similar case of suppression was raised by the petitioners by way of an application under Order XXIX Rule 4 of the Code of Civil Procedure which, however, was rejected.
6. The said order was not challenged before any forum.
7. Thus, I do not find that any jurisdictional error was committed by the learned Appellate Judge in refusing to grant stay at the primary stage of the appeal, more so since a grant of stay at this stage would tantamount to allowing the miscellaneous appeal before hearing the parties on merits.
8. Keeping in view the nature of the status quo order, which is a prohibitory order, in the event an order of stay of operation of the same was passed by the Appellate judge at this juncture, the same would render the appeal itself successful at the inchoate stage of admission.
9. Thus, I do not find any illegality or jurisdictional error in the impugned order.
10. However, keeping in view the fact that the petitioners are suffering from a status quo order for

some time now, it is expected that the learned District Judge at Jalpaiguri shall endeavour to dispose of the miscellaneous appeal bearing Miscellaneous Appeal No. 05 of 2025 pending before him as expeditiously as possible, preferably within three months from the date of communication of this order to the said court.

- 11.** In the light of the above observations, C.O. 96 of 2025 is disposed of without interfering with the impugned order bearing Order no.2 dated March 11, 2025 passed by the learned District Judge at Jalpaiguri in Miscellaneous Appeal No.05 of 2025.
- 12.** There will be no order as to costs.
- 13.** Urgent certified copies, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)