

S/L 31
28.10.2025
Court No.1
SD

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION

CO 103 of 2025

Smt. Shipra Pal
Vs.
Namita Paul & Ors.

Mr. Shubhankar Dutta
Ms. Swagata Mitra ...for the Petitioner.

Mr. Bikramaditya Ghosh ...for the Opposite Party No.1.

Mr. Saikat Chatterjee
Mr. Momenur Rahman ...for the Opposite Party Nos.2-3.

The instant application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for declaration and permanent injunction and is directed against the order dated May 23, 2025 passed by the learned District Judge, Jalpaiguri in Miscellaneous Appeal No.11 of 2025 arising out of order no. 27 dated May 05, 2025 passed in Title Suit No. 510 of 2022 pending before the Court of learned Civil Judge (Junior Division), Jalpaiguri.

The suit property in the aforementioned suit comprises of two portions; the petitioner is claiming that she is the tenant in respect of 250 sq. ft. and licensee in respect of 450 sq. ft. of the suit property.

The learned Trial Judge, by the order dated January 06, 2024, had disposed of the application filed by the petitioner under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure by directing the parties to maintain *status quo* with regard to nature, character and possession of the suit property as on the date of the said order till the disposal of the suit.

The defendant no.2, claiming to be the purchaser of 450 sq. ft. of the said suit property from the defendant no.1, the owner, had filed an application under Section 151 of the Code of Civil Procedure praying variation and/or modification of the said order of injunction.

The learned Trial Judge by the Order No.27 dated May 05, 2025 had modified the said order of injunction dated January 06, 2024 thereby had restricted the said order of injunction *only* in respect of the 250 sq. ft. of the suit property.

The petitioner had assailed the said order in Miscellaneous Appeal No.11 of 2025; the learned District Judge by the order impugned has affirmed the said order of the learned Trial Judge.

The learned Trial Judge, on assessment of the materials on record, has come to a finding that the petitioner has failed to produce any document in respect of her claim of being licensee over 450 sq. ft. area of the suit property and had accordingly modified the said order of injunction. This Court does not find any illegality and/or infirmity in the said finding of the learned Trial Judge, the order impugned therefore does not call for any interference.

CO 103 of 2025 is thus disposed of with a request to the learned Trial Judge to dispose of the connected suit as well as the suit tagged by the coordinate Bench of this Court for analogous hearing as expeditiously as possible and in doing so, shall not entertain the prayer of the parties for any unnecessary adjournment.

There shall be no order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Biswajit Basu, J.)