

S/L15
06.11.2025
Court No.01
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction

C.O. 139 of 2025

**Kohinoor Tea Company Limited & Anr.
Vs.
The Central Bank of India & Ors.**

Mr. Bikramaditya Ghosh,
Mr. Mayank Subhasish Misra,
Mr. Satyajit Paul,
Mr. Rounak Ghosh.
... for the Petitioners.
Mr. Rahul Mishra,
Mr. Deborshi Dhar.
....for the Central Bank of India.

The present application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for declaration and injunction and is directed against the order dated July 14, 2025 passed by the learned District Judge, Jalpaiguri in Misc. Appeal No. 18 of 2025 thereby affirming the order dated June 24, 2025 passed by the learned Civil Judge (Senior Division), Jalpaiguri in Title Suit No. 111 of 2025.

The learned Trial Judge, by the order dated June 24, 2025 had refused to pass an ad-interim order of injunction on an application filed by the petitioners under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure.

Aggrieved thereby, the petitioners had preferred the connected misc. appeal being Misc. Appeal No. 18 of 2025.

The learned District Judge, Jalpaiguri by the order impugned has dismissed the said Misc. Appeal.

A co-ordinate Bench of this Court by the order dated August 01, 2025 had directed issuance of notice of the Revisional application upon the opposite parties and has passed the following ad-interim order of injunction :-

“13. The opposite parties shall remain restrained by an order of injunction from acting upon or pursuant to the communication dated April 11, 2025 which has been impugned in the suit, issued by the Bank to the petitioners, and/or from dealing with the property mentioned in Schedule-A of the plaint and/or creating any third party interest and/or changing

the nature and character of the said property in any manner whatsoever till September 15, 2025 or until further order, whichever is earlier.”

Having heard the learned Counsel for the parties and on perusal of the materials-on-record, it appears that the application for injunction is pending disposal before the learned Trial Judge on merit.

This Court is of the opinion that justice would be subserved if the said application is directed to be disposed of expeditiously, to facilitate it, the opposite parties/bank shall file written objection to the said application for injunction **within a period of one week from date**; rejoinder thereto, if any, be affirmed by the petitioners **within three days** from the date of service of copy thereof.

The learned Trial Judge is requested to dispose of the said application for injunction as expeditiously as possible, preferably **within a period of eight weeks from the date of communication of this order** and in doing so, shall not grant any unnecessary adjournment to either of the parties.

It is made clear that the learned Trial Judge shall decide the application for injunction on merit in accordance with law and shall not be influenced by the fact that this Court has granted an ad-interim order of injunction or by any observation made in the said order.

All questions including the issue of maintainability of the suit is kept open.

The ad-interim order of injunction passed in the matter is in force since August 01, 2025, therefore the said order shall continue till the disposal of the said application for injunction.

C.O. 139 of 2025 is thus disposed of with the above terms. 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 copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)