

JPS-16
Ct No.01
01.08.2025
AK

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

C.O. 144 of 2025

Joseph Minj
Vs
Smt. Sima Tigga and another

Mr. Sanjay Mukherjee
Mr. Deborshi Dhar
Ms. Taniya Bhowmik

.... for the petitioner.

- 1.** The present application under Article 227 of the Constitution has been filed primarily to seek an expeditious disposal of the injunction application pending at the behest of the plaintiff/petitioner in the suit.
- 2.** Learned counsel appearing for the petitioner points out that there is palpable discrepancy between the two transcripts, one in computer print and one in hand writing, of Order No.04 dated June 9, 2025.
- 3.** It is apparent from a bare perusal of the certified copies of the two versions of the same order, that the two are utterly different.
- 4.** For example, in the handwritten order, it has been recorded that service return of defendant nos.1 and 2 are received after being duly served.

5. Then it goes on to say “Received by Sima Tigga and Sima Tigga, defendant no.1 is appearing by filing Vakalatnama.
6. It further records that defendant no.2 (named) has not appeared.
7. The court directs issuance of further notice upon defendant no.2 but in the last line of the order, agains states that “subsequently it is found that the defendant no.2 has signed in the Vakalatnama”, thereby indicating that the learned Advocate appearing for the defendant no.1 appeared for the defendant no.2 as well.
8. The trial court records in the handwritten order that a petition for extension of interim order is filed and the prayer is allowed, thereby extending the interim order till the next date, and fixes the next date on March 2, 2026.
9. However, the said date is fixed for service return of defendant no.2, which is inherently contradictory, since in the latter portion of the order the court itself records that the Vakalatnama filed on behalf of defendant no.1 has also been signed by defendant no.2, thus obviating any necessity for further service on the defendant no.2.
10. The most important parts of the above handwritten version of the order are missing in the computer print version of the same.

11. More importantly, in the computer print, October 17, 2025 has been recorded to be the next date for filing written objection and written statement by defendant no.1 and it also records that the suit will proceed *ex parte* against defendant no.2.
12. Thus, there is complete confusion in the records of the trial court inasmuch as there is gross discrepancy between two versions of the same order, which are both part of the records.
13. In any event, since the suit is only of 2025 and the plaintiff/petitioner is already enjoying an interim order of injunction/status quo, I am of the opinion that it is still premature to direct expeditious hearing of the suit within any particular period.
14. However, upon being approached by the petitioner in terms of this order, the learned trial Judge shall pass a proper order in the suit, clearly recording the exact contents of Order no.4 dated June 9, 2025, and direct the records of the suit to be corrected by reflecting in the records only the correct order which was passed on June 9, 2025.
15. Liberty is further granted to the petitioner to approach the trial court for rectification of any further gross contradictions in the records of the trial court and the orders recorded in the suit.

16. If so approached, the learned trial Judge shall deal with the said errors and rectify the records immediately.
17. There will be no order as to costs.
18. It is, however, expected that the learned trial Judge shall endeavour to dispose of the suit as expeditiously as possible, along with the connected pending applications, if any.
19. Accordingly, C.O. 144 of 2025 is disposed of with the above observations.
20. Urgent certified copies, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)