

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

Present:
The Hon'ble Justice Debangsu Basak

C.O. 150 of 2025

**Sri Dhirendra Subba & Ors.
Vs.
The Block Development Officer, Mirik & Ors.
With
CAN 1 of 2025**

For the Petitioners : Mr. Sandip Mondal
Mr. Amit Saha

For the State : Mr. Hirak Barman
Mr. Nabankur Paul

Heard & Judgment on : **November 19, 2025**

Debangsu Basak, J.:-

1. Revisional application is directed against Order No. 6 dated July 24, 2025 passed in Title Appeal No. 1 of 2025.
2. In a suit for declaration and injunction, the opposite party filed an application under Order 7 Rule 11 of the Civil Procedure Code, 1908.
3. The application under Order 7, Rule 11 of the Civil Procedure Code, 1908 was allowed by the learned Trial Judge on February 5, 2025.

4. Aggrieved by the order dated February 5, 2025, the petitioners filed Title Appeal No. 1 of 2025.
5. In Title Appeal No. 1 of 2025, petitioners applied for an order of injunction.
6. By the impugned order, learned Appeal Court was pleased not to grant any order of injunction as prayed for. Aggrieved thereby, the revision application is filed.
7. Learned advocate for the petitioners submits in response to a query of the Court as to whether the petitioners/plaintiffs were enjoying any order of injunction subsequent to the filing of the suit on June 24, 2025 till its dismissal on February 5, 2025. Learned advocate appearing for the petitioners in his usual fairness submits that although an injunction petition was pending, the same was not disposed of. However, the petitioners were not enjoying any order of injunction in the suit till its dismissal.
8. Since the suit stands dismissed and is yet to be restored, it would not be prudent to grant an order of injunction at this stage, particularly when the petitioner was not enjoying any interim order during the pendency of the suit.

9. However, in the event, the occasion so arises, it would be open to the petitioners as the petitioners/plaintiffs to approach the Court in *seisin* to Title Appeal No. 1 of 2025 for appropriate relief.
10. I find no material irregularity in the order dated July 24, 2025 warranting interference under Article 227 of the Constitution of India.
11. Since a title to the suit is involved, it is imperative that the Title Appeal is decided as expeditiously as possible. Learned Appeal Court is, therefore, requested to hear and dispose of the appeal as expeditiously as possible without granting any unnecessary adjournments to any of the parties.
12. **C.O. 150 of 2025** and the connected application being **CAN 1 of 2025** are disposed of.

(Debangsu Basak, J.)

S.D.