

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

Item No.24
03.09.2025
Court. No. 1
GB

CO 161 of 2025

Kahndakar Md Mirazul Haque & Ors.
VS
General Manager
North East Forntier Railway & Ors.

Ms. Jayeeta Majumder

...for the Petitioners.

1. Affidavit-of-service and the supplementary affidavit as filed in Court today, is taken on record.
2. Despite service, none appears on behalf of the opposite parties.
3. This is an application for expeditious disposal of the application for injunction filed in connection with Title Suit No.63 of 2016, which is pending before the learned Civil Judge (Junior Division), Mekhliganj, Cooch Behar.
4. It appears that the learned trial judge was directed by the learned District Judge, Cooch Behar to hear out the application for leave to file the suit under Section 80(2) of the Code of Civil Procedure, in accordance with law.
5. It is submitted that the said application although heard, has not yet been disposed of.

6. In my view, the learned trial judge is first required to decide the said application as directed by the learned District Judge and then proceed to hear the application for injunction.
7. Under such circumstances, as it is submitted that the hearing of the application for leave to file the suit under Section 80(2) of the Code of Civil Procedure is concluded, the learned judge shall take immediate steps to pronounce decision on the said application upon giving one last chance to both the parties to make their concluding arguments. If the learned court is of the view that the leave may be granted and the suit should proceed, then the application for injunction shall also be disposed of within a reasonable time, upon allowing the opposite parties to file their written objections and advance arguments.
8. Needless to mention, the Court has not expressed any opinion either on the merit of the application for leave or on the merit of the suit and the injunction application. This order upon the learned trial judge is subject to any order that may be passed by any forum superior to the trial court.

9. Accordingly, the revisional application being C.O. 161 of 2025 is disposed of.
10. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)