

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

Item No.48
03.09.2025
Court. No. 1
GB

CO 140 of 2024

Sri Nirmal Kumar Das & Ors.

VS

Sri Dipak Choudhury & Ors.

*Mr. Anurag Sharma,
Ms. Nikita Agarwal*

...for the Petitioners.

*Mr. Amalesh Ray, Sr. Adv.,
Ms. Anwesha Chakraborty*

...for the Opposite Parties.

1. This is application arises out of an order dated July 29, 2024, passed in Title Suit No.38 of 2024. By the order impugned the learned Civil Judge (Senior Division), Jalpaiguri allowed a put up application and also allowed the prayer for police help upon considering an application under Section 151 of the Code of Civil Procedure.
2. The opposite parties as plaintiffs filed the suit and obtained ad interim order in the nature of status quo to be maintained by both the parties.
3. Learned advocate for the petitioners submits that the said application was heard ex parte without any direction of service upon the defendants in the suit. That the defendants/petitioners had entered

appearance and had filed a put up petition, which was not taken into consideration.

4. The court had asked for the records to be transmitted to the Bench, to ascertain whether any such put up had been filed. The report of the learned trial judge does not reflect filing of any put up petition by the petitioners. However, the issue is propriety of the order dated July 29, 2024. First and foremost, on a put up petition by the plaintiffs the record was taken up by the court on a off day and the prayer for police help was allowed, for implementation of the order of status quo without the court recording any reason as to why such order was necessary. In view of the above procedural irregularity, the order impugned is set aside. The revisional application is allowed.
5. A copy of the application under Section 151 of the Code of Civil Procedure shall be served upon the petitioners or the learned advocate on record for the petitioners appearing before this court and upon the other defendants. The defendants will file their objection to the said application within one week after the reopening of the court after puja vacation and the application for implementation of the order of status quo/injunction shall be heard

by the learned court upon affording opportunity to the parties to contest the proceeding and shall be disposed of preferably within four weeks from reopening of the court after the vacation.

6. This Court does not express any opinion on the order of ad interim injunction already passed. This order is restricted to the order dated July 29, 2024, which is hereby set aside.
7. Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)