

Item No.23
09.09.2025
Court. No. 1
SP

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

FMAT/22/2025
IA NO: CAN/1/2025

RISHA SINGHA AND ORS.
VS
KAUSHIK SINGH SARKAR AND ORS.

*Mr. Bikramaditya Ghosh, Adv.,
Mr. Ved Rai, Adv.
Mr. Mayank Bhandari, Adv.
Mr. Vivek Saha, Adv.*

... for the Appellants.

*Mr. Sibasis Ghosh, Adv.
Mr. Dipankar Deb, Adv.
Mr. Satyam Sarkar, Adv.*

. . .for the respondent no.1.

*Mr. Kunaljit Bhattacharjee, Adv.
Mr. Alok Sah, Adv.*

. . .for the respondent nos.2 and 4.

*Mr. Suman Saha, Adv.
Mrs. Kanika Sarkar, Adv.*

. . .for the respondent nos. 3, 5 and 7.

1. This is an appeal against an order of refusal of the prayer for ad interim injunction passed by the learned Civil Judge (Senior Division) Sadar Coochbehar dated August 25, 2025 in title suit no. 132 of 2025.

2. Considering the point of law raised we were inclined to admit the appeal on the last occasion and hear out the appeal itself. Direction was given to serve copies upon

the respondents. Copies of the memo of appeal and the application were served upon the respondents. Most of the respondents are represented before us, including the President and Executive Committee members. Three of the members have not appeared before the Court. Mr. Ghosh files the affidavit of service indicating that, they were sought to be served.

3. While passing the order impugned, the learned Court was of the view that the order of suspension could not be stayed without hearing the defendants in the suit. Mr. Bikramaditya Ghosh, learned advocate for the appellant, submits that the order of suspension was passed without any hearing and without assigning any reasons. On such ground alone, the said order should be stayed.
4. Learned advocate also submits that the appellants who were regular practising advocates of the Court have been debarred from enjoying the facilities of the Bar Association. It is further contended that there is a threat that the names of the appellants would be removed from the

printed Vakalatnama which is usually used by the learned advocates.

5. Mr. Sibasis Ghosh learned advocate for the respondent no.1 submits that the suit is defective. Leave to sue the Bar Association in its representative capacity, was not obtained. The suit was filed with deficit Court fees. That the order prayed for at the ad interim stage would amount to granting the final relief in the suit.
6. Mr. Bhattacharjee and Ms. Sarkar learned Advocates representing the other defendants, adopt the submission of Mr. Sibasis Ghosh and they draw the attention of the Court to the averments in paragraph 8 of the application for injunction, to substantiate that the appellants were asked over phone to attend the meeting in which the decision was taken, but they did not turn up.
7. We find from the bye laws that an opportunity of hearing should be provided, before any disciplinary action is taken against the members. A notice ought to have been issued before the order of suspension was issued. No such notice is, however, available before us.

8. Considering such, prima facie, case we are of the view that the appeal should be allowed in part. We pass order injuncting the defendants from preventing the petitioners/appellants from using the toilet of the Bar Association and further injunct the defendants from striking off the names of the appellants from the Vakalatnama of the Bar. The appellants shall be treated as practising advocates of the Mekhliganj Court and their practice and participation in legal proceedings before the Courts, shall not be disturbed. This order will continue till disposal of the application for injunction. The other prayers made by Mr. Bikramaditya Ghosh are not allowed at this stage, as this Bench is of the opinion that the learned Trial Judge would be the appropriate forum to decide the prayers made in the application for injunction.
9. Under such circumstances, the appeal and application are disposed of. The learned Trial Judge will hear out the application for injunction within a period of ten days from filing of the writ objection by the defendants/respondents. As the application filed before this Court has already been served upon the defendants,

the defendants are in receipt of the application for injunction. The defendants, including the non-appearing defendants shall file their objection within a period of five days from date.

10. According the appeal and the connected application are disposed of.

11. This order be communicated to the non-appearing defendants.

12. All parties and the learned Court will act on the server copy of this order.

(Shampa Sarkar, J.)

(Prasenjit Biswas, J.)