

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

Present:
The Hon'ble Justice Debangsu Basak

C.O. 189 of 2025

**Santosh Kumar Singh & Anr.
Vs.
Sique Wen**

For the Petitioners : Mr. Sibasis Ghosh
Mr. Kunaljit Bhattacharya
Mr. Haider Ali
Mr. Satyam Sarkar

For the Opposite Party : Ms. Bedashruti Bose
Mr. Subham Chanda

Heard & Judgment on : **November 21, 2025**

Debangsu Basak, J.:-

1. Revisional application is directed against order dated July 15, 2025 passed by the learned Civil Judge, Senior Division, Jalpaiguri in Misc. Appeal Case no. 3 of 2022.
2. By the impugned order, learned Appeal Court was pleased to affirm the order of *status quo* passed by the learned Trial Judge on June 17, 2022.

3. Learned advocate appearing for the petitioners submits that the initial order dated June 17, 2022 passed by the learned Single Judge was in violation of Order 39 Rule 3 of the Civil Procedure Code, 1908. He submits that compliance of Order 39 Rule 3 of the Civil Procedure Code, 1908 is mandatory. In absence of such compliance, the injunction order is liable to be vacated. In support of such contention, he relies upon **2025 INSC 966 (Time City Infrastructure and Housing Limited Lucknow vs. The State of U.P. & Ors.)** as well as an unreported decision of the Division Bench dated June 11, 2024 passed in F.M.A.T. 52 of 2024 (**Saroj Saha & Ors. vs. Lalan Prasad Gupta & Ors.**).
4. Learned advocate appearing for the petitioners draws the attention of the Court to the findings returned by the impugned order. He submits that the learned Appeal Court was pleased to find that reasons for the conclusion with regard to the existence of the grounds for granting an order of injunction were not apparent on the face of the order dated June 17, 2022 of the learned Trial Court.
5. Opposite party is represented.
6. In a suit for declaration and injunction, the opposite party applied for injunction. Injunction petition was taken up for contested hearing after the petitioner before this Court filed a written objection. Injunction

- petition of the opposite party was taken up for consideration by the learned Trial Judge.
7. Learned Trial Judge was pleased to direct the parties to maintain *status quo* with regard to the nature and character of the suit property.
 8. An appeal was carried against the *status quo* order dated June 17, 2022. Appeal was disposed of by the impugned order dated July 15, 2022.
 9. Since the injunction petition was heard and decided on contest after the petitioner before this Court filed a written objection, I am not in a position to return a finding that there was non-compliance with the provisions of Order 39 Rule 3 of the Civil Procedure Code, 1908.
 10. Consequently, the ratio laid down in **Time City Infrastructure and Housing Limited Lucknow** (supra) as well as **Saroj Saha & Ors.** (supra) are not attracted to the facts and circumstances of the present case.
 11. It is trite law that, an appeal Court can supplement the reasons for grant of an order. In the facts of the present case, although the learned Appeal Court returned a finding that there were no reasons recorded by the learned Trial Judge in granting an order of *status quo*, nevertheless the Appeal Court proceeded to supplement reasons and concur with the order of *status quo* passed by the learned Trial Judge.

12. Absence of reasons to continue with the order of *status quo* granted by the learned Single Judge as done by the impugned order is not a ground canvassed in this revisional application.
13. In such circumstances, I find no material irregularity in the order impugned.
14. **C.O. 189 of 2025** is dismissed without any order as to costs.

(Debangsu Basak, J.)

S.D.