

S/L 05
06.11.2025
Court No.1
(Susanta)

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

CO 190 of 2025
Dipanjana Ghosh

Vs.

Debasish Paul & Ors.

Mr. Kunaljit Bhattacharjee,
Mr. Haider Ali,
Mr. Satyam Sarkar,

... for the Petitioner.

The plaintiff in a suit for permanent injunction and confirmation of possession is the petitioner of the instant application under Article 227 of the Constitution of India which is directed against the judgment and order dated July 16, 2025 passed by the learned District Judge, Jalpaiguri in Miscellaneous Appeal No. 51 of 2023 thereby affirming the Order No. 23 dated May 04, 2023 passed by the 2nd Court of learned Civil Judge (Junior Division), Jalpaiguri in Title Suit No. 35 of 2021.

The learned Trial Judge by the order No.8 dated March 15, 2022 had passed an ad interim order of injunction restraining the defendants from interfering with the peaceful possession of the plaintiff in respect of the suit property till April 11, 2022.

The defendant no. 1 aggrieved by the said order had preferred an appeal being Miscellaneous Appeal No. 13 of 2022.

The Appeal Court below by the order dated September 26, 2022 has dismissed the said appeal.

The defendant no. 1 thereafter had filed an application under Order XXXIX Rule 4 of the Code of Civil Procedure for variation and/or modification of the said ad interim order of injunction.

The learned Trial Judge by the order no. 23 dated May 04, 2023 had allowed the said application thereby had vacated the said ad interim order of injunction.

The plaintiff assailing the said order, had preferred the Miscellaneous Appeal No. 51 of 2023.

The learned District Judge, Jalpaiguri by the order impugned has dismissed the said appeal.

The application for injunction is pending disposal before the learned Trial Judge.

The ad interim order of injunction was passed way back on March 15, 2022, therefore, the urgency in granting such ad interim order of injunction has become diluted. The order impugned, for the said reason, does not call for any interference.

Justice would be sub-served if the pending application for injunction is disposed of as expeditiously as possible on merit.

The 2nd Court of learned Civil Judge (Junior Division), Jalpaiguri therefore is requested to dispose of the said application for injunction as expeditiously as possible, preferably **within a period of eight weeks from the date of communication of this order**. The parties are directed to exchange their affidavits on the said application immediately, if not already done.

C.O. 190 of 2025 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)