

09.03.2026
Item No.39 (DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 668 of 2026

**Krishna Building Owners Association
-Vs-
Sukhamrit Bhattacharya & Ors.**

Mr. Probal Kumar Mukherjee, Sr. Adv.,
Mr. Aniruddha Chatterjee, Sr. Adv.,
Mr. Amit Kumar Nag,
Mr. M. Roy,
Mr. Satadeep Bhattacharyya,
Ms. Ritika Ghosh.

.....for the petitioners.

Mr. Jaydip Kar, Sr. Adv.,
Mr. Siddhartha Banerjee,
Ms. Soni Ojha,
Mr. Soumajit Majumder.

.....for the opposite parties.

1. This revisional application is directed against an order dated January 27, 2026 passed by the learned Additional District and Sessions Judge, 12th Court, Alipore, South 24-Parganas whereby the opposite parties' Misc. Appeal No. 196 of 2025 was allowed upon setting aside an ex parte ad interim order of injunction dated April 24, 2025 passed by the learned Civil Judge (Senior Division), 2nd Court at Alipore in Title Suit No. 583 of 2025.

2. After the revisional application was heard for some time, Mr. Mukherjee, learned senior Advocate appearing for the petitioner submitted that it would suffice if a direction is passed upon the learned Trial Court to hear out the petitioner's application under Order XXXIX Rules 1 and 2 of the Code of Civil

Procedure, 1908 expeditiously without being influenced by the observations made by the learned appellate Court.

3. It is noticed that such observations have already been made by the learned appellate Court in the order impugned. To be precise, the appellate Court has directed the learned Trial Court to dispose of the application for temporary injunction “*expeditiously*” and “*without being influenced by the observations made*” in the said order dated January 27, 2026.

4. Mr. Kar, learned senior Advocate appearing for the opposite parties submits that since an application under Order VII Rule 11 of the Code has been filed by his clients, the same should be heard first. Mr. Mukherjee objects to the same. However there is no serious contest as regards simultaneous (analogous) hearing of both the applications.

5. In any case, the learned Trial Court would necessarily have to first satisfy itself as regards the *prima facie* case which would include satisfaction as regards maintainability of the suit even for the purpose of deciding the application under Order XXXIX Rules 1 and 2 of the Code. That being the situation, the learned Trial Court is requested to hear out both the applications under Order XXXIX Rules 1 and 2 of the Code as well as the application under Order VII Rule 11 of the Code simultaneously(analogously).

6. The opposite parties herein shall be at liberty to file their written objection to the petitioner's application under Order XXXIX Rules 1 and 2 of the Code within a period of two weeks from date. The petitioner shall be entitled to file a rejoinder to the written objection filed by the opposite parties to the petitioner's application under Order XXXIX Rules 1 and 2 of the Code within a week thereafter.

7. It is submitted on behalf of the petitioner that the petitioner has already filed its written objection to the application under VII Rule 11 of the Code filed on behalf of the opposite parties. In such view of the matter, the opposite parties shall also be at liberty to file the rejoinder to the objection filed by the petitioner to the opposite parties' application under Order VII Rule 11 of the Code within two weeks from date.

8. The learned Trial Court shall endeavour to dispose of the said applications as expeditiously as the business of the learned Court shall permit without granting any unnecessary adjournment to either of the parties.

9. With the aforesaid observations, C.O. 668 of 2026 stands disposed of. No costs.

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

(Om Narayan Rai, J.)