

CO 715 of 2026

17.03.26
Sl-07
Ct.06
(Samar)

Nupur Chakraborti & Ors
v.
Rekha Chakraborty & Ors

Mr. S. Ghosh,
Ms. S. Maity,

....for the Petitioners.

Mr. Susanta Pal,
Ms. Sanchayita De,

.... for the respondent no. 2.

Mr. Kushal Chatterjee,
Mr. Oishik Chatterjee,

.... For the opposite party no. 4.

1. This revisional application is directed against an order dated November 27, 2025 passed by the learned Additional District Judge, Fast Track- II Court, Sealdah in Misc. Appeal No. 13 of 2025 whereby the said Misc. Appeal has been disposed of by directing the opposite parties not to encroach upon or raise construction in respect of the property mentioned in the first schedule of the plaint.
2. Mr. Ghosh, learned Advocate appearing for the petitioner submits that the learned appellate Court has committed an error in not granting injunction in respect of the second schedule and toning down the direction of injunction in respect of first schedule to status quo in the ordering portion of the order impugned.
3. It is noticed that while the learned Appellate Court has recorded a direction injuncting the opposite

parties from encroaching upon or raising construction in respect of the property mentioned in the first schedule of the plaint at the concluding portion of the judgment, yet, at the ordering portion the Appellate Court has directed as follows:- *“The appellants are hereby directed to maintain status quo in respect of nature, character and possession of first schedule property of the Plaint till disposal of temporary injunction application and the order as passed by Ld. Civil Judge (Junior Division), 1st Court, Sealdah is modified to that extent”*.

4. When the learned Appellate Court had already directed the appellants before it not to encroach upon and raise construction over the first schedule property, there was no warrant for passing an order to maintain status quo, in respect of the same property in the ordering portion. The order impugned therefore stands clarified to the extent that the opposite parties shall not encroach upon and raise any construction on the first schedule property of the plaint as directed in the order impugned.
5. In any event, Mr. Chatterjee, learned advocate appearing for the opposite party no. 4 in his usually fairness submits that his clients will not encroach upon the first schedule property in the plaint, inasmuch as they are making construction in terms of the sanctioned plan.

6. Mr. Ghosh, learned advocate appearing for the petitioner, however disputes such submission and submits that there has been encroachment upon the first schedule property.
7. In case there is an encroachment upon the first schedule property as alleged it will be open to the petitioner to take appropriate steps against such act of encroachment before the learned Trial Court, in accordance with law.
8. This Court does not find any further scope of interference with the order dated November 27, 2025 excepting the clarification rendered hereinabove.
9. Since the application for temporary injunction is pending before the learned Trial Court, the learned Trial Court is requested to dispose of the same as expeditiously as the business of the learned Trial Court would permit preferably within a period of two months from the next date fixed.
10. With the above observations, CO. 715 of 2026 stands disposed of.
11. 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.)