

05.03.2026
Item No.03 (DL)
Court No.06
AJ.

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

C.O. 746 of 2026

**Sri Prasant Jaiswal
-Vs-
Sri Pranay Jaiswal & Ors.**

Mr. Saptangshu Basu, Sr. Adv.,
Mr. S. Sarkar,
Mr. Tanmoy Sett,
Ms. Sucheta Das.
.....for the petitioner.

1. This revisional application has been filed by the Defendant No. 1 in a suit for partition being Title Suit No. 58 of 2002 pending before the Court of the learned Civil Judge, Senior Division, Second Court at Howrah, seeking expeditious disposal thereof.

2. Mr. Basu, learned senior Advocate appearing for the petitioner submits that in the said suit an application for injunction had been filed which was disposed of by an order dated July 05, 2002 thereby directing the parties thereto to maintain status quo as regards the nature, character, possession, alienation and transfer thereof. It is submitted that despite such order of status quo having been passed, the opposite parties have been acting in violation thereof.

3. It is further submitted that an application under Section 151 of the Code of Civil Procedure, 1908 seeking implementation of the said order of injunction

had also been filed but the same has also been kept pending.

4. It is submitted that under such circumstances an application under Order XXXIX Rule 2A of the Code of Civil Procedure had been filed the same remains pending.

5. Attention of this court is invited to an order dated December 03, 2025 passed in WPA 27341 of 2025 filed by the petitioner wherefrom it appears that a co-ordinate Bench of this Court had taken note of the situation that two civil suits by and between the parties (who were before the Court in the said writ petition) were pending before the learned Trial Court and that an order of status quo in respect of the nature, character, possession and transfer of the property had been granted.

6. By the said order, the petitioner was granted liberty to approach the learned Trial Court for redressal of his grievances in the Light of the observations of the Hon'ble Supreme Court in the case of ***P.R. Muralidharan & Ors. -Vs- Swami Dharmananda Theertha Padar & Ors. reported at (2006)4 SCC 501***. The Court had expressed its expectation that the learned Trial Court would deal with the applications filed by the petitioner as well as the suits which had been long pending as early as the business of the Court would permit.

7. The petitioner complains that despite the aforesaid order having been passed, situation has not changed. It is submitted that the application for implementation of the order of status quo as well as the suits have not moved from the stage they were on the date when the order dated December 03, 2025 was passed.

8. In view of the nature of the order proposed to be passed, prior service of notice of this revisional application on the opposite parties is not required, however the petitioner shall remain obliged to serve a copy of this application along with this order on the plaintiff/Opposite Party No. 1 within a week from date.

9. Since application for implementation of the order of status quo has been pending since long, the learned Trial Court is requested to proceed with the hearing of the applications and endeavor to dispose of the same as expeditiously as possible and preferably within a period of eight weeks from the date of communication of this order, without granting unnecessary adjournment of either of the parties.

10. The learned Trial Court shall also endeavour to conclude the hearing of the suit being Title Suit No. 58 of 2002 and dispose of the same as expeditiously as possible and preferably within a period of one year from the date of communication of this order.

11 C.O. 746 of 2026 stands disposed of with the above observations. No costs.

12. 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.)