IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Md. Shabbar Rashidi

CO 594 of 2017

Ashwini Kumar Bhojnagarwala & Ors.

Vs.

Reliable Estate & Ors.

For the petitioners	:	Mr. Snehashis Sen, Adv.
For the Opposite Party No. 1:		Ms. Sweta Gandhi, Adv.
For the Proforma respondent: Nos. 2 to 45		Mr. Kalyan Kumar Bhattacharjee, Adv. Ms. Sahina Khatun, Adv.
Heard on	:	07.10.2026
Judgment on	:	07.10.2026
Uploaded on	:	08.10.2026

MD. SHABBAR RASHIDI, J.:

1. Petitioner, opposite party no. 1 and proforma opposite parties are represented.

2. The instant revisional application has been filed assailing an order dated July 29, 2016 passed by the Additional District Judge at Alipore in Misc. Appeal No. 313 of 2012.

3. The impugned judgment and order dismissed the Misc. Appeal preferred against an order dated June 5, 2012 passed by learned Trial Judge in Title Suit no. 1993 of 2010. By such order, the learned Trial Court granted temporary injunction against the defendants by restraining them from dispossessing, alienating, assigning, transferring or creating third-party interest in the suit property. Such order was affirmed by the impugned order.

4. Facts giving rise to the instant proceeding is that the petitioners jointly acquired a property by way of a Deed of Conveyance dated 17.11.2006 whereby the petitioners jointly acquired right title and interest in the property situated at 43A, Hazra Road, Kolkata-700019, comprising of 9 cottahs 8 chittacks more or less. A Title Suit being T.S. No. 1993 of 2010 was initiated by respondent No. 1 before the learned 2nd Civil Judge (Senior Division) at Alipore in the year 2010, praying for a declaration that the respondent No. 1 was the sole and absolute owner of the share of one late Pranab Prasad Roy, i.e. the suit property, whose legal heirs have transferred the property in favour of the petitioners herein.

5. The decree dated 20.12.2007, passed in Title Suit No. 84 of 2007 (earlier numbered as Title Suit No, 120 of 2006) was challenged in the instant proceeding.

6. Respondent no. 1 had earlier filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 in Title Suit No, 120 of 2006 (renumbered as Title Suit No. 84 of 2007), which was dismissed.

7. In the Title Suit, the respondent no. 1 filed an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 which was disposed of by an order dated June 5, 2012 passed by the learned 2nd Civil Judge (Senior Division) at Alipore, restraining the petitioners from disposing or alienating or assigning or transferring or creating any third party interest in the suit property.

8. A Misc. Appeal being Misc Appeal No. 313 of 2012 was preferred by the petitioners against the order dated June 05, 2012 passed by the learned 2nd Civil Judge (Senior Division) at Alipore. The said Misc Appeal was however disposed of by an order dated July 29, 2016 passed by the learned Additional District Judge at Alipore in Misc. Appeal No. 313 of 2012.

9. Being aggrieved by the order disposing the Misc. Appeal, the petitioners filed the instant civil revisional application.

10. Learned advocate for the petitioner submits that the disputes between the parties/defendant no. 1 and opposite party no. 1/plaintiff have been settled amicably between them. They have

agreed to settle such disputes as well as all the pending litigations between them in respect of the suit properties. As a token of settlement, the plaintiff and the defendant in the suit have executed a memorandum of agreement dated October 6, 2026. By such agreement, the parties have agreed to settle all their disputes in respect of the suit property and to take appropriate steps for withdrawal/disposal of all pending litigations between the parties over the suit properties.

11. Learned advocate for the petitioner further submits that no relief was claimed as against the proforma defendants in the title suit as well as the proforma opposite parties in the present proceeding.

12. Learned advocate for the petitioner seeks disposal of the instant revisional application in terms of the memorandum of agreement dated October 6, 2026. Such prayer of the petitioner is not objected by the learned advocate appearing for the opposite party no. 1/the plaintiff.

13. In the facts and circumstances, the instant revisional application being **CO 594 of 2017** is hereby disposed of in terms of the memorandum of agreement dated October 6, 2026 by setting aside the impugned judgment and order.

14. Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Md. Shabbar Rashidi, J.)

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