

18.03.2026
Item No.25, 39 (DL)
Court No.06
AJ.

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

**C.O. 896 of 2026
with
C.O. 914 of 2026**

**Natural Plaza Private Limited
-Vs-
Binay Mondal & Ors.**

Mr. Abhrajit Mitra, Sr. Adv.,
Mr. Satadeep Bhattacharyya,
Ms. Sriparna Mitra,
Mr. Surajit Biswas.
Mr. Arijeet Bera.
....for the petitioner.

Mr. Nilanjan Bhattacharjee, Sr. Adv.,
Mr. Palash Bapari,
Ms. Tanuka Basu.
....for the opposite party no.1.

1. Affidavits of service filed in Court today are taken on record.

2. C.O. 896 of 2026 is directed against an order dated February 23, 2026 passed by the learned District Judge, Purba Burdwan in Misc. Appeal No. 14 of 2026 whereby the petitioner's application for stay of operation of an order dated 17th February, 2026 passed by the learned Civil Judge (Junior Division), 2nd Court Burdwan in Title Suit No. 81 of 2026 was fixed for hearing on March 02, 2026 without granting any ad interim order of stay as prayed for.

3. C.O. 914 of 2026 is directed against the order dated March 02, 2026 passed in Misc Appeal No. 14 of 2026 whereby the learned District Judge, Purba Burdwan has again deferred the hearing of

the said application as well as the miscellaneous appeal filed against the order dated February 17, 2026 passed by the learned Trial Court to March 23, 2026.

4. The plaintiffs-opposite party nos.1 to 4 herein have instituted Title Suit No. 81 of 2026 praying inter alia for a decree for permanent injunction thereby restraining the petitioner from interfering with the peaceful possession of the opposite parties in respect of the property mentioned in A schedule of the plaint and from continuing with illegal construction over the B schedule property of the plaint.

5. In the said suit, the plaintiffs filed an application for temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. The said application was pressed for ex parte ad interim order. The learned Trial Court passed an ex parte ad interim order on February 17, 2026 thereby restraining the petitioner from continuing with construction over the B schedule property as also from interfering with the possession of the opposite parties in respect of the A schedule property.

6. It is such order which has been challenged by the petitioner by preferring miscellaneous appeal being Misc. Appeal No. 14 of 2026 before the learned District Judge, Purba Burdwan. In the said appeal, the opposite party no.1 herein has filed an

application challenging maintainability of the appeal.

7. Mr. Mitra, learned Senior advocate appearing for the petitioner submits that there is great urgency as the entire construction project which is governed by RERA has been stalled due to the injunction order. Mr. Bhattacharjee, learned Senior Advocate appearing for the opposite party no. 1 submits that March 23, 2026 is the next date fixed before the learned Appellate Court.

8. Since it is evident from the orders impugned that March 23, 2026 has been fixed by the learned District Judge as the next date and the appeal is only against an ex parte ad-interim order of injunction, therefore, it would be proper for this Court to request the learned District Judge to hear out the appeal as well as the connected applications on the date fixed.

9. In order to expedite the hearing of the appeal, this Court deems it fit to direct the opposite parties to file their written objection to the petitioner's application for stay by March 23, 2026 upon serving an advance copy thereof upon the petitioner latest by 22nd March, 2026. Such copy may be served through email to the learned Advocate-on-record for the petitioner in this Court. The petitioner shall file its written objection to the application challenging maintainability of the appeal within the same time with prior service upon the

learned Advocate for the opposite party no.1 in this Court

10. The petitioner shall serve a copy of this order as well as copies of the appeal and stay application upon the opposite party nos.2 to 4 as well as the learned Advocate for the opposite party nos.2 to 4 in the learned Trial Court.

11. On the date fixed i.e. March 23, 2026, the learned District Judge is requested endeavour to hear out the appeal as well as the connected applications. However, if for any reason the hearing of the appeal and the said applications is not concluded on that day, the learned appellate Court is requested to at least hear out the matter for the purpose of passing appropriate ad-interim orders.

12. With the aforesaid observations, C.O. 896 of 2026 and C.O. 914 of 2026 stand disposed of.

13. It is made clear that this Court has not gone into the case of the parties and all points are left open to be decided by the learned Appeal Court strictly in accordance with law.

14. 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.)