

18.02.2026
Item No.44
Ct. No. 30
Aloke

CO 799 of 2023

**Md. Nabir Hossain Mondal & Ors.
Vs.
Mst. Lutfan Bibi & Ors.**

Mr. Dhananjoy Banerjee
Mr. Tarasankar Bhattacharyya
Mr. Partha Sarathi Mishra
..for the petitioners

Mr. Animesh Paul
Ms. Manisha Kr. Upadhyay
Ms. Kritey Keshri
... for the opposite parties

1. The revisional application has been preferred challenging an order dated 23.02.2023 passed by the learned Additional District Judge, Fast Track 3rd Court at Basirhat in connection with Misc. Appeal No. 13 of 2022 arising out of Title Suit No. 345 of 2022, pending before the learned Civil Judge (Junior Division), 2nd Court at Basirhat.
2. Vide the impugned order the appellate Court has disposed of the Misc. Appeal without granting an order of injunction.
3. On hearing the learned counsels for the parties and on perusal of the materials on record, it appears that the Misc. Appeal had been preferred against a refusal of an ad interim order of injunction.
4. It is the contention of the defendant/opposite party herein that the petitioner has preferred two suits in respect of the same property. One being Title Suit No. 345

of 2022 and subsequently another suit has been filed being no. 168 of 2023.

5. On hearing the learned counsel for the parties and on perusal of the materials on record and considering the said facts as stated, the revisional application is disposed of with the direction upon the trial Court to hear the temporary injunction petition in presence of both the parties and dispose of the same in accordance with law, within 30 days from the date of communication of this order. It is further directed that both the suits should be heard together for proper adjudication of the dispute.

6. C.O. 799 of 2023 stands disposed of.

7. Connected application, if any, stands disposed of.

8. Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)