

24.03.2026
Item No.24 (DL)
Court No.06
AJ.

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

C.O. 1005 of 2026

**Smt. Rekha Kurmi
-Vs-
Smt. Bina Mitra & Ors.**

Ms. Saheli Mukherjee,
Ms. Priyanka Das Nayek.
....for the petitioner.

1. This revisional application assails an order dated August 26, 2025 passed by the learned District Judge-in-Charge in Misc. Appeal No. 277 of 2025 thereby declining the petitioner's prayer for ad-interim order of injunction.

2. The petitioner had instituted Title Suit No. 1309 of 2025 before the learned Civil Judge (Junior division), Alipore, 24-Parganas (South) praying *inter alia* for a decree for declaration of possessory right in respect of the A schedule property and for permanent injunction against the defendants opposite parties. In the said suit, the petitioner filed an application seeking an order of injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. The said application was pressed ex parte on August 18, 2025. The prayer for ex parte ad-interim order of injunction was refused by the learned Trial Court. The order of refusal to grant ex parte ad-interim order of injunction on August 18, 2025 was

carried in appeal being Misc. Appeal No. 277 of 2025 before the learned District Judge. In the said appeal also, prayer for ex parte ad-interim order of injunction was made. Such prayer has again met with refusal. Hence, the revisional application.

3. Learned Advocate appearing for the petitioner submits that there are sufficient documents in possession of the petitioner to show that the petitioner has been in possession of the property in suit and that the petitioner continues to be in suit. Learned Advocate for the petitioner invites the attention of this Court to electricity bills annexed at page 138 to 141 of the revisional application.

4. Having heard learned Advocate appearing for the petitioner and having perused the materials-on-record, this Court does not find any reason to interfere with the order impugned.

5. Both the learned Courts have concurrently refused prayer for ad-interim order of injunction upon observing that the petitioner had not been able to show any document wherefrom it could be prima facie concluded that the petitioner was in possession of the property in suit.

6. It does not appear that the documents like electricity bills that the petitioner now seeks to place before this Court were placed either before

the learned Trial Court or before the learned Appellate Court during the hearing of the application at the appellate stage. This Court therefore cannot take cognizance thereof.

7. Having regard to the documents placed before the learned Trial Court as well as the learned Appellate Court, their views do not appear to be implausible or impossible and that being so, this revisional application is not entertained.

8. For the reasons aforesaid, C.O. 1005 of 2026 stands dismissed. There shall be no order as to costs.

9. However this order shall not preclude the petitioner from producing all documents that the petitioner has in her possession in support of her contention before the learned Appellate Court as well as the Trial Court during hearing of the misc. appeal and the application for temporary injunction.

10. The learned Appellate Court is requested to expedite the hearing of the misc. appeal being Misc. Appeal No. 277 of 2025 and dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

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.)