

01.04.2026
Item No.17 (DL)
Court No.06
AJ.

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

C.O. 1032 of 2026

Sunil Kumar Jain & Ors.

-Vs-

Prasanta Kumar Paul

Mr. Sanjay Mukherjee,

Mr. Chiranjit Pal.

....for the petitioners.

Mr. Asim Banerjee,

Mr. Bholanath Pramanick.

.....for the opposite party.

1. Affidavit of service filed in Court today is taken on record.

2. This revisional application is directed against an order dated November 24, 2025 passed by the learned District Judge, Howrah in Misc. Appeal No. 109 of 2025 whereby the misc. appeal itself has been dismissed.

3. The petitioners have instituted Title Suit No. 830 of 2025 before the learned Civil Judge (Junior Division), 3rd Court at Howrah praying inter alia for a decree for specific performance of a contract. In the said suit, the petitioners filed an application for temporary injunction under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. Such application was pressed for ex parte ad interim order. By an order dated June 10, 2025 the prayer for ex parte ad interim order was refused.

4. Being aggrieved by such refusal, the petitioners approached the Appellate Court by filing Misc. Appeal No. 109 of 2025. Such misc. appeal has been dismissed by the order impugned.

5. Having heard the learned Advocates appearing for the respective parties and having considered the material-on-record, this Court is of the view that since the parties are still at the ad interim stage, therefore, justice would be sub-served if the learned Trial Court is requested to finally hear out the application for temporary injunction filed by the petitioners.

6. The opposite party herein (defendant in the suit) shall file his written objection to the application under Order XXXIX Rules 1 and 2 of the Code filed by the petitioners within two weeks from date, if not already filed. The petitioners shall have liberty to file rejoinder thereto within a week thereafter. The learned Trial Court shall thereafter hear out the application for temporary injunction and decide the same independently, on its own merits and in accordance with law.

7. C.O. 1032 of 2026 stands disposed of with the above observations. There shall be no order as to costs.

8. 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.)