

N.22Sl

CO 1130 of 2026

151/CL

**Shri Shri Iswar Jagadiswar & Shri Shri Iswar
Nakuleswar Shib Thakur being represented by the
Sebait: Rajib Kumar & Anr.**

06.04.26

ML-15

Ct-06

(S.R.)

v.

**Shri Shri Iswar Jagadiswar & Shri Shri Iswar
Nakuleswar Shib Thakur being represented by the
Sebait: Sri Subrata Kumar & Ors.**

Mr. Shankha Maity

Mr. Nishat Kumar

... for the petitioners.

1. This revisional application assails an order dated January 21, 2026 passed by the learned Civil Judge (Junior Division), 1st Court, Howrah in Title Suit No.71 of 2001 whereby the petitioners' application under Section 94 of the Code of Civil Procedure, 1908 has been dismissed.
2. An application filed under Section 94 of the Code praying for an order of injunction is actually relatable to an application under Order 39 Rule 1 and 2 of the Code and that being so, an order passed thereon shall be appealable under Order 43 Rule 1(r) of the Code. The present revisional application is, therefore, not maintainable.
3. CO 1130 of 2026 stands dismissed.
4. The petitioners shall be entitled to take back the certified copy of the order dated January 21, 2026, impugned herein upon furnishing a photostat copy

thereof duly countersigned by the learned advocate appearing for the petitioners.

5. This order shall not preclude the petitioners from taking appropriate steps to challenge the aforesaid order dated January 21, 2026, in accordance with law.
6. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)