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30.06.2026
Ct. No -6
D.Hira

C.O. 1787 of 2026

**Kohinur Begum & Anr.
Vs.
Sk. Nurul Huda**

Ms. Ipsita Ghosh.

...for the petitioners

**Mr. Nurul Huda,
Sk. Taslim Ali.**

... for the opposite party

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

With the consent of the learned counsel for the respective parties, the civil revision application is taken up for final hearing.

Learned counsel appearing for the petitioners submits that the order of injunction has been stayed by the Appellate Court by order impugned.

Learned counsel appearing for the opposite party submits that the petitioners suppressed the material facts in the suit and the learned Appellate Court after considering the same passed an order of stay of the ad interim injunction.

A co-ordinate bench In ILR 1994 (1) Cal 72 in Re: Gautam Kumar Hada held that the scope of the miscellaneous appeal before the Appellate Court is whether the order granting ad interim injunction passed by the learned trial court is legal or not. Such an appeal should be heard expeditiously by the Appellate Court but ordinarily

the Appellate Court should not pass an ad interim order resulting practically allowing the appeal itself at the initial stage without hearing the other side.

This Court, therefore, holds that the learned Judge of the Appellate Court by passing the impugned order has virtually decided the appeal itself without hearing the other side thereby acting illegally and with material irregularity in exercise of jurisdiction vested in law.

That apart the learned Judge after holding that such Court lacks territorial jurisdiction to entertain the miscellaneous appeal ought not to have passed an order of stay.

For such reasons, this Court is inclined to interfere with the order impugned.

Accordingly, the order dated 11th May, 2026 passed by the learned Additional District Judge, 1st Court at Uluberia, Howrah in Misc. Appeal No. 14 of 2026 is set aside.

Learned counsel appearing for the petitioners submits that the petitioners shall enter appearance in the miscellaneous appeal within two weeks from the date.

Learned Trial Judge of the Appellate Court is requested to take up the hearing of the Misc. appeal No. 14 of 2026 after the same is made ready for hearing and make an endeavour to dispose of the same as expeditiously as possible but preferably within a period of four weeks from the date, the appeal is made ready for hearing.

With the above observations and directions, C.O. No. 1787 of 2026 stands disposed of.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)