

Item-
8. 01-07-2026

sg Ct. 6

CO 2027 of 2026

Amrita Moulik & Anr.
Versus
Dr. Amal Karmakar & Anr.

Mr. Siva Prasad Ghose
...for the petitioners

After some argument, Mr. Ghose learned Advocate appearing for the petitioners prays for a direction upon the learned Judge of the Appellate Court, Barrackpore, to dispose of the Misc. Appeal No. 54 of 2026 expeditiously.

Challenging the order of injunction passed by the learned Judge in Title Suit No. 8002 of 2024 on 7th May, 2026, the petitioners preferred a Misc. Appeal. In connection with the Misc. Appeal, the petitioners prayed for stay of operation of the order of injunction. The learned Judge of the Appellate Court rejected the say application.

A co-ordinate bench In ILR 1994(1) Cal 72 in Rai Goutam 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 order side.

This Court accordingly holds that the learned Judge of the appellate Court was right in rejecting the stay

application.

For such reason, this Court is not inclined to interfere with the order impugned. This civil revisional application stands disposed of by requesting the learned Additional District & Sessions Judge, Fast Track Court No.4, Barrackore, North 24 Parganas to make all endeavour to dispose of the Misc. Appeal No. 54 of 2026 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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

(Hiranmay Bhattacharyya, J.)