

12.02.2026
Item No.07
BR

CO 3729 of 2025

Arup Ratan Mudi and another

-vs-

Hemanta Mukherjee and another

Mr. Animesh Paul,
Ms. Manisha KUmari Upadhyay

... for the petitioner

Mr. Sanjib Seth,

Ms. Soumi Chakraborty no.1

... for the opposite party

1. The civil revision has been preferred being aggrieved by an order dated 26.08.2025 passed by the learned District Judge at Howrah in Misc. Appeal No. 20 of 2025 arising out of Title Suit No. 87 of 2025.

2. Vide the impugned order , learned District Judge , Howrah directed as follows:

“ Today is fixed for hearing and taking step by the appellants.

Appellants filed some documents by firisti . The same be kept with the record.

The application praying for stay of further operation of the order and decree dated 21.12.2023 is taken up for hearing.

Heard Ld. Advocate for the appellant. Ld. Counsel for the appellants submits that the impugned judgment is required to be stayed . He further submits that if the stay is not passed then the appellants will face irreparable loss and inquiry . So. it is necessary to stay the operation of the impugned judgment.

Also heard the Ld. Advocate for the respondents .

Perused the stay petition.

From the submission of the Ld. Counsel for both sides. I am of considered view that the application for stay of the operation of the impugned judgment is rejected at this stage.

Call for LCR.

Fix 06.22.2024 for LCR.”

3. The said appeal had been preferred by the

defendant/petitioner herein challenging an ad interim order of status quo passed by the trial Court being the learned Civil Judge (Jr.Division), 3rd Court , Howrah wherein the trial Court had directed as follows :

“ that all the parties to this suit along with their men agents are hereby directed to maintain status quo in regard to nature, character and possession in respect of the A and B schedule suit property as mentioned in the schedule of the plaint as on this day to till 18.02.2025.

Plaintiff is to comply the provision of Order 39 Rule 3 (a) and (b) of the CPC.

Issue notice upon the defendants calling upon them to show cause within 15 days from the date of receipt of notice as to why the order of temporary injunction shall not be passed against them.

To date”.

4. On hearing the learned counsel for the parties including the learned counsel representing the opposite party no. 1, who is

present on having filed a caveat and on perusal of the impugned order, this Court finds that the impugned order passed by the learned District Judge, Howrah required no interference by this Court, being in accordance with law.

5. Accordingly, the parties herein are directed to appear before the trial Court and the trial Court shall make all endeavour to dispose of the injunction application as directed by the appellate Court within 30 days from the date of communication of this order without being influenced by the observations made in this order.

6. Civil revision being 3729 of 2025 stands disposed of.

7. Urgent Photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings. Matter be listed before the Regular Bench.

(Shampa Dutt (Paul), J.)