

15.06.2026
Ct. No.6
Sl. No.10
skg

C.O. 4184 of 2025

**Khalek Sardar
Vs.
Nasimuddin Sardar & Ors.**

Mr. Amitabha Ghosh, Adv.
Ms. Arpita Paul Biswas, Adv.

...for the petitioner

1. This revisional application is directed against an order dated September 11, 2025 passed by the learned District Judge in Charge, Barasat, North 24 Parganas in Misc. Appeal no. 134 of 2025 preferred by the opposite parties no. 1, 2 and 3 against an order dated August 20, 2025 passed by the learned Civil Judge (Jr. Div.), 1st Court, Barasat, North 24 Parganas in Title Suit no. 1192 of 2025.
2. The petitioner along with opposite party nos. 4 to 15 has instituted Title Suit no. 1192 of 2025 before the learned Civil Judge (Jr. Div.), 1st Court, Barasat, North 24 Parganas praying, inter alia, for a decree of declaration and injunction. In the said suit the petitioner filed an application for temporary injunction and pressed the same for ad interim *ex-parte* order. On August 20, 2025 the learned Trial Court passed an ad interim ex parte order thereby restraining the defendants in the suit from disturbing the peaceful possession of the plaintiff (i.e.

the petitioner and the opposite party nos. 4 to 15) over the suit property.

3. Challenging the said order, the opposite parties no. 1, 2 and 3 preferred Misc. Appeal no. 134 of 2025 before the learned Additional District Judge, 7th Court at Barasat. In the said appeal, the opposite party nos. 1, 2 and 3 filed an application for stay of operation of the ad interim order of injunction dated August 20, 2025 which has been granted by the learned Appellate Court.
4. Feeling aggrieved thereby, the petitioner has approached this Court by filing the present revisional application.
5. Mr. Ghosh, learned Advocate appearing for the petitioner submits that the order impugned is wholly unreasoned. However, it appears that the order of stay was only operative till November 27, 2025. Mr. Ghosh submits that he has no instruction as to whether the said has been extended any further or not.
6. Be that as it may since the appeal is pending before the learned Appellate Court since September 20, 2025 this Court is of the view that justice would be sub-served if the appeal itself is directed to disposed of expeditiously.
7. Accordingly, the learned Addl. District Judge 7th Court, Barasat is requested to dispose of the Misc. Appeal 134 of 2025 as expeditiously as possible and preferably within a period of two months from the next date fixed

without granting any unnecessary adjournment to either of the parties. Since the said appeal is directed against an ex parte ad interim order of injunction, the learned Appellate Court is requested to endeavour to dispose of the appeal without calling for the Trial Court records unless the same is indispensably necessary for disposing of the appeal.

8. It is clarified that this Court has not gone into the merits of the respective cases of the parties and all points are left open to be decided in the appellate Court.
9. With the aforesaid observations C.O. 4184 of 2025 stands disposed of. There shall be no order as to costs.
10. 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.)