D/L- 18
17/11/2026
Ct. No.- 6
Aritra

C.O. 3839 of 2026

Anita Karmakar
Vs.
M/s. Skyline Builder and Developer & Ors.

Mr. Binay Kumar Panda
Mr. R. Mondal

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order dated September 9, 2025 passed by the learned Civil Judge (Sr. Div.) at Durgapur, District-Paschim Bardhaman in Miscellaneous Appeal No.19 of 2025.

Mr. Panda, learned advocate appearing for the petitioner submits that the opposite party nos.1 to 3 filed a Title Suit No.289 of 2025 as well as an injunction application with a prayer for ad interim injunction. He submits that the learned trial judge refused to pass any ad interim order of injunction and being aggrieved by such order the opposite party nos.1 to 3 preferred a miscellaneous appeal and the learned judge of the appellate court passed an ad interim order of injunction in the said appeal. Mr. Panda submits that the construction was made by the opposite party nos.1 to 3 in deviation of the sanctioned building plan. He submits that the entire construction is an illegal one and the same should be demolished forthwith. He submits that the relevant statute creates an embargo from passing an order of injunction against demolition of an illegal construction.

This Court finds that the ad interim order of injunction was passed on August 19, 2025 and the petitioner has

challenged the said order before this Court only on October 13, 2026.

It is now well-settled that in a civil revision application challenging an ad interim order of injunction this Court has to decide whether the learned judge of the appellate court was justified in passing an ad interim order of injunction. An endeavour is to be made to decide the civil revision application expeditiously and ordinarily such an order should not be stayed at the mere asking as the same if granted would amount to allowing the civil revisional application at the stage of admission, which is not permissible.

In view thereof, this Court is not inclined to interfere with this order at this stage leaving the petitioner free to take out an appropriate application before the learned judge of the appellate court. If such an application is taken out, the learned Civil Judge (Sr. Div.) at Durgapur, District-Paschim Bardhaman shall make an endeavour to dispose of such application as expeditiously as possible but preferably within a period of 8 weeks from the filing of such application.

It is, however, made clear that the learned judge of the appellate court shall be free to decide such application strictly in accordance with law without being swayed by the observations recorded in the impugned order as well by this Court in this order.

Accordingly, CO 3839 of 2026 stands disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)