

19.01.2026
Ct. No. 30
SL No. **30**
MKP

CO 4086 of 2024

**Unique Construction Rep By Its Partners
Samir Biswas And Anr.**

Vs.

Rajat Saha And Ors

Ms. Debasree Dhamali

.....for the Petitioner

Mr. Rajib Basu

.....for the Respondent/O.P

1. The revisional application has been preferred against order no. 16 dated 05.10.2024 passed by the Learned Civil Judge (Junior Division), 2nd Court, Serampore, Hooghly in Title Suit No.644 of 2023 (Rajat Saha Vs. Smt.Jhuma Saha & Ors.) and Order No.03 dated 06.11.2024 passed by the Learned Additional District Judge, 2nd Court, Serampore, Hooghly in Misc.Appeal No.75 of 2024 (Unique Construction & Ors. Versus Rajat Saha & Ors.)
2. It is the case of the petitioner herein, that the impugned order under challenge has been passed by the Trial Court, wherein the petitioner has not been made a party and

an order of injunction has been passed in respect of a portion of which he has entered into an agreement with the defendants for developing the same. As such the petitioner herein is suffering the irreparable loss and injury.

- 3.** Admittedly, the properties, in question have been partitioned but the opposite party/plaintiff herein, has preferred a suit before the Trial Court praying for declaration and injunction upon the defendants not to damage any of his allotted portion of the same.
- 4.** It is after filing of the suit, that the petitioner herein has entered into an agreement with the defendant in the suit for development of the defendant share in the property.
- 5.** The Trial Court by the impugned order has passed an interim order of injunction, in the form of “status quo” in respect of total property for which, the petitioner herein being a developer submits that he has been prejudiced because he is unable to carry out the construction as per the development agreement.
- 6.** On hearing the parties, it appears that the petitioner herein, is a necessary party to

the suit, after he has entered into an agreement with the defendant herein in respect of the defendants property.

7. Accordingly, liberty is granted to the petitioner to pray for being impleaded as a party in the suit before the Trial Court and the Trial Court shall allow the petitioner to be added as a party to the suit.
8. The petitioner thereafter, shall be at liberty to pray for modification of the impugned order of injunction (statusquo) after being impleaded as a party, which the Trial Court shall dispose expeditiously, preferably within 30 days from the date of filing.
9. The **Civil Revision No. 4086 of 2024** stands **disposed of**.
10. Applications, if any, connected thereto stand disposed of consequently.
11. Interim order, if any, stands vacated.
12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]