

04.02.2026
Ct. No. 30
S.L. No. 31
SM

CO 4350 of 2024
Smt. Rekha Bittar Hazra @ Rekha Bittar
Versus
The Chairman, Bolpur Municipality & Ors.

Mr. Amal Krishna Saha
Mr. Indranil Chandra
Mr. Souvik Sarkar
.....for the petitioner
Mr. Uttiya Ray
Mr. Ashutosh Pal
.....for the opposite party nos. 1 & 2

1. The revisional application has been preferred challenging an order being no. 2 dated October 1, 2024 passed by the learned Additional District Judge, Bolpur, Birbhum in Misc Appeal No. 20/2024.
2. Vide the impugned order, the learned Additional District Judge, Bolpur, Birbhum was pleased to stay the order of status quo passed by the learned Trial Court being the Civil Judge (Jr. Divn.), 1st Court, Bolpur. It appears that the Misc Appeal is still pending .
3. It is submitted by the petitioner that the said order of interim stay was passed ex parte and the plaintiff herein is aggrieved that an order of status quo as passed by the Trial Court would not prejudice the defendant, but in spite of the said fact the appellate Court passed an order of stay.
4. Considering the said facts the revisional application is disposed of with the direction, that the learned ADJ, Bolpur, Birbhum shall hear the parties

in the Misc Appeal and dispose of the same on contest by passing a reasoned order in accordance with law, within 30 days from the date of communication of this order.

5. Learned counsel for the petitioner relies upon an order dated 31.07.2024 passed in CO 2565 of 2024 wherein a Co-ordinate Bench of this Court held as follows.

*“Stay of the order impugned at the threshold is amounting to allowing of the appeal itself, which, in view of the judgments of this Court, in the case of **GAUTAM KUMAR HADA vs. The State of West Bengal** reported in (1994) 1 ILR 72 and in the case of **Mobassor Hossain & Ors. vs. Sri Manik Chandra Pal & Ors.**, reported in (2005) 2 Cal LJ 482 is not permissible.”*

6. The impugned order passed by the appellate Court be stayed till disposal of the Misc Appeal.

7. **CO 4350 of 2024 stands disposed of.**

8. Applications, if any, connected thereto stand disposed of consequently.

9. Interim order, if any, stands vacated.

10. 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]