

07.04.2026
Ct. No.04
Sl. No. 08
(Nandita)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH, JALPAIGURI
CIVIL REVISIONAL JURISDICTION
(APPELLATE SIDE)**

C.O. 218 of 2025

**Sri Chandan Roy
Vs.
Sri Dibakar Roy & Ors.**

Mr. Druti Roy,
... for the Petitioner
Mr. Partha Bhoumick
Mr. Abir Biswas
...for the Opposite Parties

1. The present application has been filed under Article 227 of the Constitution of India challenging the impugned order dated 23.09.2025 (Order No. 03) passed by the learned District Judge, Jalpaiguri in connection with Misc. Appeal No. 31 of 2025.
2. Heard learned Advocates appearing for the parties at length.
3. The factual matrix, in brief, is that the plaintiffs (opposite parties herein) instituted a Title Suit before the learned Trial Court seeking partition of the scheduled property mentioned in the plaint, along with a prayer for grant of an injunction. The said petition was contested by the present petitioner/defendant no. 3, who contended that

he is not a co-sharer of the plaintiffs in respect of the suit property, and, therefore, the suit filed by the plaintiffs is not maintainable under the law.

4. Upon hearing both parties, the learned Trial Court passed an ad interim order of injunction in the form of status quo with respect to the suit property. The said order of injunction was subsequently challenged before the First Appellate Court. It is contended on behalf of the petitioner/defendant no. 3 that his prayer for staying the ad interim order of status quo, as granted by the Trial Court, was rejected by the First Appellate Court.
5. Upon careful consideration of the submissions advanced and after perusal of the materials on record, it is evident that the First Appellate Court, after due examination of the facts and law, rejected the petitioner's prayer for staying the ad interim relief granted by the Trial Court. The appellate court's decision does not disclose any irregularity, illegality, or jurisdictional error.
6. In view of the foregoing, it is apparent that the present application filed under Article 227 of the Constitution of India is devoid of merit and is not sustainable in law.

7. Accordingly, C.O. 218 of 2025 is **dismissed**.

8. Let a copy of this order be sent down to the Trial court immediately.

(Prasenjit Biswas, J.)