23.10.2026
Ct. no. 7
JPD.48
(Vacation Bench)
SD/PM

Calcutta High Court
In the Circuit Bench at Jalpaiguri
(From Principal Bench)

CO 191 of 2026

Sanjay Mittal Agarwal & Ors.
VS
Shakuntala Pipes Pvt. Ltd & Ors.

Mr. Piyush Chaturvedi, Ld. Sr. Adv.,
Mr. Dibanath Dey,
Mr. Tarun Kumar Das
.. for the Petitioners

1. By filing the instant revisional application under Article 227 of the Constitution of India the plaintiff/revisionist prays for an appropriate order upon the Trial Court directing him to dispose of the injunction application as filed by the plaintiff within a specified period.

2. At the time of hearing Mr. Chaturvedi, learned Senior Advocate appearing for the petitioner at the very outset draws attention of this Court to the server copy of the Order No. 2 dated 14.08.2026 and Order No. 3 dated 09.9.2026 as passed by the learned Trial Court in Title Suit No. 193 of 2026. It is submitted by Mr. Chaturvedi, on perusal of the said two orders as passed by the Trial Court, it would reveal that the learned advocate for the defendant no(s) 1 to 10 appeared and the plaintiff was directed to serve copy of the plaint and injunction application upon the said learned Advocate for the defendant no(s).1 to 10.

3. Mr. Chaturvedi, upon instruction submits before this Court that the Advocate on Record for the plaintiff has already served the copy of the plaint and injunction application of Title Suit No. 193 of 2026 upon the learned Advocate for the contesting defendant no(s) 1 to 10 and despite that by order no. 4 dated 15.12.2026 (which should be read as “15.9.2026”) the learned Trial Court has fixed the next date that is 21.11.2026 for S.R.

4. Mr. Chaturvedi, submits that when all the contesting respondents appeared before the learned Trial Court there cannot be any difficulty to fix a date for hearing of the injunction application by the learned Trial Court.

5. On careful perusal of the entire materials as placed before this Court, it appears that the instant revisional application can be disposed of without passing a direction for service of notice, since sufficient materials have been placed before this Court, that despite appearance of all the defendants the learned Trial Court has wrongly fixed 21.11.2026 for S.R.

6. Such being the position this Court while disposing of the instant revisional application directs the learned Trial Court to fix the date of hearing of the injunction application on December 1, 2026, with a liberty to the defendants of the said suit to file their written objection positively on or before November 26, 2026 with a further liberty to the present revisionist/plaintiff to file affidavit-in-reply on or before November 30, 2026.

7. The time limits as fixed by this Court are peremptory and mandatory. The learned Trial Court is directed to hear out the injunction application positively on the day as fixed by this Court and in the event of the non-availability of the regular Presiding Officer of the said Trial Court, the Judge-in-Charge of the said Court will hear out the injunction application and shall pass a judicial order on such injunction application positively by December 15, 2026.

8. Since this order is passed in absence of the defendants/opposite parties, the learned Advocate on Record for the revisionst is hereby requested to communicate the server copy of the order upon all the opposite parties as well as upon the learned advocate for the defendants in Title Suit No. 193 of 2026 by speed post and to file proof of service to the learned Trial Court.

9. With the above observation **CO 191 of 2026** stands disposed of.

10. Parties shall act on the server copy of this order.

(Partha Sarathi Sen, J.)