

APO/101/2025

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Original Side

SRI ANIRBAN PAL CHAUDHURY

-VERSUS-

HELIOS DIAGNOSTIC AND HEALTH
CARE PVT. LTD. AND ORS.

BEFORE :
THE HON'BLE JUSTICE DEBANGSU BASAK
And
THE HON'BLE JUSTICE MD. SHABBAR RASHIDI
Date : 9th February, 2026.

Appearance:

Mr. Naba Kumar Das, Adv.
Mr. Arindam Banerjee, Adv.
Mr. Debayan Roy Chowdhury, Adv.
Mr. Sumangal Sil, Adv.
...for the appellant.

Mr. Ritzu Ghosal, Adv.
Mr. Sayantan Chatterjee, Adv.
Mr. Anirban Ghosh, Adv.
...for the respondent no.1.

Mr. Anirban Pramanick, Adv.
Mr. P. Nath, Adv.
Ms. Bhagyasree Dey, Adv.
...for the respondent no.3.

The Court :- Appeal is at the behest of the defendant in a suit for specific performance of a contract for sale of an immovable property and mandatory injunction directing execution of the sale deed.

By the impugned judgment and order dated May 9, 2024, learned Single Judge granted an order of injunction restraining the defendant no.1 from creating any third party interest over and in respect of the suit property till disposal of the suit.

The case of the plaintiff, as appearing from the plaint, is that the plaintiff entered into an agreement for sale in respect of an immovable property. Plaintiff paid the entire consideration amount. Nonetheless, the defendant no.1 was not executing the conveyance.

In the said suit, the plaintiff prayed for specific performance as well as for other reliefs including a mandatory order directing registration of the sale deed. In such suit, the plaintiff applied for an order of injunction which was granted by the impugned judgment and order.

Learned Single Judge noted the respective contentions of both the parties. Learned Single Judge correctly held that the plaintiff made out a strong prima facie case to go to trial. Learned Single Judge also correctly held that the balance of convenience and inconvenience lies in favour of the plaintiff in granting order of injunction as creation of third party during the pendency of the suit may create complication.

There is no material placed before us to take a view which is contrary to the view taken by the learned Single Judge as recorded in the impugned judgment and order. We, therefore, find no ground to interfere with the appeal filed by the defendant no.1 in the suit.

Learned advocate appearing for the defendant no.3 in the suit submits, on instructions that, the defendant no.3 closed the loan account. According to him, the defendant no.3 is neither a necessary nor a proper party to the suit.

Court is informed that there is an application pending before the learned Single Judge with regard to such contention of the defendant no.3. We are not minded to enter into such contention of the defendant no.3 in this

appeal. Such issues may be raised before and decided by the learned Single Judge.

Court is informed that the written statement containing a counter claim of the defendant no. 1 is ready.

Defendant no.1, appellant herein, may file the written statement along with the counter claim in the department by February 13, 2026. In the event the same is filed along with appropriate Court fees within the time stipulated, the same may be accepted as written statement with counter claim of the defendant no. 1 in the suit.

We are passing the order with regard to acceptance of the written statement along with the counter claim of the defendant no. 1 as no fruitful purpose would be subserved by keeping such an issue outstanding. It would enure to the benefit of the parties that the suit is made ready for early disposal.

Plaintiff is at liberty to mention the suit for early hearing before the learned trial Judge.

APO/101/2025 is disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)