

IN THE COURT OF DISTRICT JUDGE, PURBA BARDHAMAN

Present: Sri Bimal Kanti Bera (WB00681),
District Judge, Purba Bardhaman at Burdwan

Misc. Appeal No.14 of 2023
(CNR No.WBBD01-001524-2023)

Uttam Kar -:Versus:- **Bijan Chatterjee & Anr.**

Order No.20, dated 17.06.2026.

Both the parties have filed their respective hajira.

The instant Misc. Appeal is taken up for hearing.

Heard the respective learned Advocates for the parties.

Perused the Memorandum of appeal, impugned order and other materials in the T.C.R.

The instant appeal has been preferred challenging the order no.7 dated 27.02.2023, passed in Title Suit No.562 of 2023 by the learned Civil Judge (Jr. Divn.), 4th Court, Burdwan. The appellant filed the suit for declaration and injunction against the respondents and State. After filing the suit, the plaintiff moved an application under Order 39 Rules 1 &2 of the C.P.C. and obtained an ad interim order of injunction against the present respondents/defendants. The said defendants filed an application under Order 39 Rule 4 of the C.P.C. and by the impugned order, the learned Judge allowed the said application under Order 39 Rule 4 of the C.P.C. and vacated the ad interim order of injunction. However, subsequently, the temporary injunction petition was disposed of by the learned Judge by order no.16 dated 06.08.2024. The application for injunction was allowed and the defendant nos.1 and 2 were directed to maintain status quo regarding the nature, character, ownership and possession of the suit property till disposal of the suit.

In the changed circumstances, when the temporary injunction application has been disposed of and that is also in favour of the plaintiff, the instant appeal has become infructuous and is liable to be dismissed.

Memorandum of appeal is sufficiently stamped.

Hence, it is,-

-: ORDERED :-

that the instant appeal be and the same is dismissed, without cost.

Record of Title Suit No.562 of 2022 be sent back together with a copy of this order for information.

Dictated & corrected by me

Sd/-
District Judge,
Purba Bardhaman

Sd/-
District Judge,
Purba Bardhaman