

Order No. 03 dt. 26.9.25

Record is put up today on the basis of an allowed put-up petition filed along with a stay petition on behalf of the revisionists/petitioners.

After the record is thus put up, the record is taken up for hearing of the filed stay petition.

Ld Advocate while moving the said stay petition submitted that the petitioners have filed a suit for partition, declaration and injunction before the Id Civil Judge Senior Divn. Serampore and had also filed a temporary injunction petition under Order 39 Rule 1&2 of the CPC before the said court on the same day and the Id Court has passed an injunction upon the suit properties being L.R. Plot No. 2933 and L.R. Plot No. 2935 in Mouza Krishnanagar, District Hooghly within Jangipara P.S. but the present opposite parties are making construction thereupon on the strength of an order passed by the Executive Magistrate Serampore in M. Case No. 678/2025 initiated by the opposite parties in which the Id Magistrate has directed the O.C. Jangipara P.S. to restrain the present petitioners in case of any possibility of breach of peace. Ld Advocate for the petitioners submitted that the Id Magistrate cannot pass any order upon the said property when the matter is lying pending with the Civil Court. He prayed for staying the impugned order.

Heard. Perused the impugned order and materials in the record. Considered.

It is apparent from perusal of the copy of the information slip filed by the petitioners in this case that they have obtained an injunction in their favour with respect to the above mentioned properties against the present opposite parties. It is also apparent from the certified copy of the impugned order passed by the Id Executive Magistrate Serampore in this matter that he has passed a restraining order against the petitioners which could contradict with the injunction order passed by the Id Civil Judge in the title suit pending before it. The present motion is found to be admitted. In such a scenario, if the opposite parties on the strength of the impugned order proceeds with any construction activity upon the suit properties, the injunction order would be rendered violated and the present motion would be rendered frustrated. Hence, this court is now inclined to allow the stay prayer of the petitioners.

Accordingly, the impugned order dated 18.8.25 passed by the S.E.M. Serampore in M. Case No. 678 of 2025 is now stayed until the disposal of this motion.

Let a copy of this order be sent to S.E.M. Serampore for his information.

Call for TCR. Issue filed requisites at once.

To date (04.11.25) for appearance and receipt of TCR.

Dictated & Corrected by

Sd/-

Addl. Sessions Judge, 2nd Court
Serampore.

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Memo No.....

Dated

Copy of this order forwarded to : The Ld. S.E.M. Serampore for his information.

Addl. Sessions Judge, 2nd Court
Serampore.

