

Misc Appeal no. 63 of 2023 (R-66/23)

Order No. 06 dated 24.11.2023

Ld. Advocate for the appellant file hazira.

Today is fixed for passing order on the submission of the Ld. Advocate for the respondent.

The instant Misc appeal was preferred against rejection of prayer of temporary injunction by the Ld. Civil Judge (Jr. Divn), 1st Court, Sealdah in TS 320 of 2023.

It appears from the said order that the present respondent have filed an application under Order 39, Rule 7 CPC before the Ld. Trial Court and the same was also rejected by the Ld. Trial Judge holding that no Advocate Commissioner was required to be appointed as the injunction application was disposed of.

It appears from the letter Ld. Advocate Sudeshna Basu Thakur of High Court Calcutta that the present respondent have preferred a Civil Revision challenging the impugned order dated 13.09.2023 and the same was registered as CO No. 3509 of 2023.

The Ld. Advocate for the respondent submits that if the instant Misc Appeal be heard during pendency of the said Civil Revision, there will be conflict of judicial decision and accordingly, prayer was made to defer the hearing of the instant Misc appeal till disposal of the said Civil revision by the Hon'ble Court.

Strong objection was raised by the appellant on the ground that if hearing of the instant Misc appeal be deferred, the appellant will suffer irreparable loss.

Heard both sides.

Perused the impugned order as well as the documents furnished in this appeal.

It appears to me that the petition under Order 39, Rule 7 CPC is co-related with the instant Misc appeal and if any order be passed in this Misc appeal during pendency of the said Civil Revision, there will be conflict of judicial decision and accordingly, I think that hearing of the instant Misc appeal be adjourned till receipt of order from the Hon'ble High Court, Calcutta in CO No. 3509 of 2023.

Accordingly, fix 20.12.2023 for awaiting order from the Hon'ble High Court, Calcutta in CO No. 3509 of 2023.

D/C by me

(Anirban Das)/WB00691
ADJ- 1st Court, Sealdah

(Anirban Das) WB-691,
Addl. District Judge,
1 Court, Sealdah