

25.02.2026
Ct. No. 06
Item 10
Cp

C.O. 646 of 2026

Election Commission of Indian Medical Association
Vs.
Sajal Kumar Biswas

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. Rudranil Das
Ms. Tamali Samanta
Mr. Suman Chatterjee

.....for the petitioner.

The learned appellate court refused the prayer for extension of ad interim order on the ground that the erstwhile defendants had been deleted and there were no respondents in the appeal.

An order dated January 21, 2026 was passed by the learned Civil Judge (Senior Division), 2nd Court, Alipore, adding Sajal Kumar Biswas as the defendant.

In my, prima facie, view, the proper course of action would be to direct the appellant to correct the cause title of the appeal by incorporating the name of Sajal Kumar Biswas. Sajal Kumar Biswas was already present in court through his learned advocate and sought to intervene in the proceeding. He also filed an application which was withdrawn. The appellate court was of the view that extension of the ad interim injunction would offend the

principles of natural justice and amount to judicial overreach.

Prima facie, I find that the learned court committed a procedural error in refusing to extend the ad interim order already passed.

Accordingly, the decision of the Election Tribunal of the Indian Medical Association dated May 16, 2025, shall not be given effect to for a period of four weeks or until further orders whichever is earlier.

Let the matter be listed on March 12, 2026.

Let service be effected upon the opposite party/defendant Sajal Kumar Biswas. Affidavit of service to be filed on the next date.

This protection is being given to the petitioner on the ground that similar protection had been given in the misc. appeal, which continued for more than six months, till the impugned order was passed on a misconception and also upon holding that, unless there is a functional body to run the activities of the Indian Medical Association, Bengal State Branch, the entire business of the association will come to a standstill.

(Shampa Sarkar, J.)