

06.04.2026

Item no. ML 40
Court No. 06

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Civil Revisional Jurisdiction

Appellate Side

Case No.

CO 1182 of 2026

In the matter of :

KARSAMBRIDHI INFRA PRIVATE LIMITED & ORS.

...Petitioners

VS.

HARIPADA PAL & ORS.

...Opposite Parties

For the Petitioners :

Mr. Biswaroop Bhattacharya

Mr. Debdutta Saha

Mr. Ayush Sharma

Mr. Debabrata Das

Mr. Saptarshi Mukherjee

Mr. Pratik Acharjee

....Advocates

1. The petitioners are aggrieved by the long pendency of an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 filed in connection with Title Suit No.920 of 2025 pending before the learned Civil Judge (Senior Division), 1st Court, Barasat, North 24 Parganas, without any order being passed thereon.
2. Learned advocate appearing for the petitioner submits that initially, Title Suit (Com) No.66 of 2024 had been instituted before the learned Judge, Commercial Court at Rajarhat, North 24 Parganas by the petitioners. In the said suit, an application under Order XXXIX Rules 1 and 2 read with Section

151 of the Code had been filed. The said application was heard on November 14, 2024 and parties were directed to maintain *status quo* while fixing January 17, 2025 for hearing of the application for temporary injunction under Order XXXIX Rules 1 and 2 together with applications under Order VII Rule 11 and Oder VII Rule 10 of the Code.

3. Ultimately, on June 25, 2025, the application filed by the opposite parties under Order VII Rule 10 of the Code was allowed and the plaint filed by the petitioners was returned for being presented before the appropriate Court having jurisdiction. Upon such return of plaint, the petitioners have filed the same before the learned Civil Judge (Senior Division), 1st Court at Barasat which has been registered as Title Suit No.920 of 2025. In the said suit, an application for injunction has been filed, however, the same is yet to be heard.
4. Mr. Bhattacharya, learned advocate appearing for the petitioners, submits that it has been nine months since the suit, i.e., Title Suit No.920 of 2025 has been instituted and the petitioners' application for temporary injunction has not been heard even once. It is further submitted that since there is no order of injunction, the opposite

parties have been continuing with construction causing irreparable injury to the petitioners.

5. The petitioners shall serve a copy of the instant revisional application along with notice upon the opposite parties intimating them that the matter shall be taken up next on April 10, 2026.

(Om Narayan Rai, J.)