

17.4.2026
Ct. no. 6
D/L.11
Samarpita

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
(Appellate Side)

C.O. 1182 of 2026

Karsambriddhi Infra Private Limited & Ors.
Vs.
Haripada Pal & Ors.

Mr. Biswaroop Bhattacharyya,
Mr. Debananda Das,
Mr. Debdutta Saha,
Mr. Ayush Sharma,
Mr. Saptarshi Mukherjee,
Mr. A. Sarkar,
Mr. Pratik Acharjee.

.....for the petitioners.

Mr. Anirban Roy.
Mr. Debjit Basu

....for the opposite party nos.6 & 7

1. Mr. Roy learned advocate appearing for the opposite party nos. 6 and 7 submits that, there is an inadvertent typographical error in the order dated April 10, 2026, where it has been wrongly recorded that he is representing the opposite party nos. 1 and 2. He submits that the same may be corrected as he is representing opposite party nos. 6 and 7 and not opposite party nos. 1 and 2. Let the order dated April 10, 2026 be corrected to the aforesaid extent.
2. Affidavit of service filed by the petitioner today is taken on record.
3. Mr. Bhattacharya, learned advocate appearing for the petitioners submits that,

the petitioners failed in their attempts to serve the opposite party nos. 1 to 5 personally, inasmuch as they refused to accept service. Attention of the Court is also invited to page 23 of the affidavit of service and it is submitted that, the learned advocate representing the said opposite parties in the learned Trial Court also refused to accept service stating that there was no direction of service on the learned advocate by this Court.

4. The petitioners are aggrieved by the long pendency of their application for injunction under Order 39 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 at Barasat, North 24 Parganas.
5. Mr. Bhattacharya, learned advocate appearing for the petitioners invites the attention of this Court to the order dated April 6, 2026, wherein the following submissions made on behalf of the petitioners had been recorded:

“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), 1 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.”

6. Mr. Bhattacharya, reiterates the same and further submits that, the petitioners had approached this Court earlier by filing a writ petition being WPA 29491 of 2025, complaining of unauthorised construction at the suit property.
7. He submits that, in connection with the said writ petition, a report dated December 23, 2025 was filed by the Inspector-in-Charge, New Town Police Commissionerate, wherein, the said officer had recorded that "*certain construction materials were found lying at sight; however, no active construction work or engagement of labourers was notice*".
8. Mr. Bhattacharya, submits that, due to the absence of any order of injunction, unauthorised construction is rampantly proceeding. He requests for expeditious disposal of the application for injunction.
9. Mr. Roy, learned advocate appearing for the opposite party nos. 6 and 7, disputes such submission and says that no such construction is going on.
10. It is further submitted by Mr. Roy that the opposite party nos. 6 and 7 have filed an application for rejection of plaint under order

7 Rule 11 of the Code of Civil Procedure, 1908, on 24th February, 2026, and the same is also pending. He submits that the same should also be disposed of expeditiously.

11. Having heard the learned advocates appearing for the respective parties and having considered the materials on record, this Court is of the view that justice would be sub-served if the learned Trial Court is requested to dispose of both the applications expeditiously by hearing them simultaneously. There does not appear to be any serious objection to such simultaneous hearing of the said applications by the parties before Court because in any case, while deciding the application for injunction the learned Trial Court will have to arrive at a conclusion as regards existence of a *prima facie* case.

12. Since this Court is informed that pleadings in respect of the application for injunction as well as the application for rejection of plaint are not yet complete, therefore, in order to expedite the hearing thereof, the following directions are passed:

a) The petitioners shall file their objection to the application for rejection of plaint filed by the

opposite party Nos. 6 and 7 within ten (10) days from date.

b) Likewise, the opposite parties shall also file their written objection to the petitioners' application for injunction within ten (10) days from date.

c) A copy of this order shall be communicated to the non-appearing opposite parties as well as the learned advocate representing the non-appearing opposite parties in the learned Trial Court. Both the learned advocate on record for the petitioners as well as the learned advocate on record for the opposite party nos. 6 and 7 shall communicate this order to the non-appearing opposite parties.

13. The learned Trial Court is requested to fix an early date for hearing the aforesaid applications and dispose of the same as expeditiously as possible and preferably within a period of one (1) month from the next date fixed without granting any unnecessary adjournment to either of the parties.

14. **C.O. 1182 of 2026** stands disposed of accordingly. No costs.

15. Urgent photosat certified copy of this order, if applied for, be supplied to the

parties upon compliance of all requisite formalities.

(Om Narayan Rai, J.)