

07.04.2026
Ct. No. 30
S.L. No. 35
SM

CO 2552 of 2024
Shovana Group of Companies Pvt. Ltd.
Represented by its Directors, Yaseen Reza & Ors.
Versus
Nehal Ahmed Salehjee And Ors.

Mr. Aniruddha Chatterjee, sr. adv.
Mr. Md. Nauroz Rahber
Mr. Muhammad Jawwad
Mr. Shahin Parveen
.....for the petitioners
Mr. Sk. Md. Galib
Mr. Abu Siddique Mallick
.....for the Board of Waqf
Mr. Dhiraj Trivedi, sr. adv.
.....for the O.P. no. 1 & 2

- 1.** The Revisional Application has been preferred challenging an order being no. 11 dated 20.04.2022 passed by the learned Waqf Tribunal, West Bengal, in Suit No. 33 of 2021.
- 2.** Vide the impugned order the Tribunal has passed an order which is prima facie not consistent.
- 3.** It appears that the Tribunal has initially noted that none is present on behalf of the defendants but then deciding the case on merit, heard the matter ex parte. But while passing the final order held that the injunction application was allowed on contest against the defendant no. 1 and ex parte defendant no. 4 and 5.
- 4.** Learned Senior counsel, appearing for the opposite party no. 1 and 2 submits that an application under Section 151 of the CPC praying for recall of the ex parte order dated 20.04.2022 which

in substance is an application under order 9 Rule 13 CPC is pending before the Tribunal.

5. It is submitted that praying for similar relief, the present revisional application has been preferred.

6. On hearing the parties and considering the materials on record, the Civil Revision is disposed of with the direction that the Tribunal shall hear the application under Section 151 of the CPC treating the same to be an application under Order 9 Rule 13 CPC and on hearing both the parties, dispose of the said application, in accordance with law.

7. Pending hearing of the said application an order of injunction shall remain in force, in respect of the suit property, restraining the petitioners herein from carrying out any sort of construction over the suit property till disposal of the main suit.

8. Civil Revision stands disposed of.

9. Applications, if any, connected thereto stand disposed of consequently.

10. Interim order, if any, stands vacated.

11. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]