

**25/02  
2026**

**AD-02/04  
1509  
NANDY**

(DO)

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri  
Civil Revisional Jurisdiction  
Appellate Side**

**CO 21 of 2026**

**Bhaskar Naha Roy  
VS  
Samir Naha Roy & Ors.**

**Mr. Subhasish Mishra, Advocate  
Mr. Satyajit Paul, Advocate  
Mr. Rounak Ghosh, Advocate**

**.....for the Petitioner**

1. Learned Advocate-on-record of the petitioner will correct the presentation form.
2. The applicant, the plaintiff in Title Suit No. 35 of 2024 before the Court of learned Civil Judge (Senior Division), Dinhata, is aggrieved that an application under Order 39 Rules 1 & 2 of the Code of Civil Procedure, 1908 (hereinafter the Code) has been kept pending, till its withdrawal under the circumstances on 13.01.2025.
3. In fact, a second application under Order 39 Rules 1 & 2 of the Code made sometime in February 2025 has also kept pending and has also not been heard by the Court in spite of both the parties appearing before it for argument.
4. It is true that an application for interim/temporary injunction in a suit is of primary importance to protect the right of the plaintiffs, if the Court so feels upon consideration of the facts and the law. The pendency of the matter since February 2025, without any step being taken thereof, is somewhat worrying. It is

possible that the right of the applicant may be prejudiced to an extent that could render the suit nugatory.

5. In the circumstances afore-stated, it is of pivotal importance that such an application seeking interim protection and/or relief is disposed of at the earliest.
6. I direct the learned Civil Judge (Senior Division), Dinhata to dispose of the application under Order 39 Rules 1 & 2 of the Code by 31.03.2026 upon giving the parties an opportunity of hearing.
7. The revisional application being **CO 21 of 2026** is allowed and **disposed of** accordingly.

**(Reetobroto Kumar Mitra, J)**