

JPD-6
Ct No.07
18.06.2026
(SSS)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 85 of 2026

Jamiruddin Mahammad @ Jamiruddin Md. and Ors.
Vs.
Md. Khatibaddin

Mr. Momenur Rahman,
Mr. Bikash Singha

.... for the petitioners.

1. Learned counsel for the petitioners argues that by the first impugned order, the learned Trial Judge erroneously granted police help for implementation of an *ex parte* ad-interim injunction order which was passed behind the back of the present petitioners. By the second impugned order, certain corrections were effected to the first order.
2. It is submitted that the defendants in the suit, that is, the present petitioners, categorically allege that the plaintiff/opposite party is not even in possession of the suit property and as such, injunction ought not to have been granted in the first place. However, since the same was passed *ex parte*, the petitioners did not have any opportunity to raise such question before the learned Trial Judge.
3. It is submitted that it would be premature to direct police help to be granted for implementation of an

ex parte ad-interim injunction order without giving prior opportunity of hearing to the defendants.

4. Apart from the above issues, it transpires from the impugned order itself that the police help application filed by the plaintiff, after obtaining the *ex parte* ad-interim injunction order, was taken up out of turn by a put-up petition. There is no whisper in the impugned order that any prior notice was given to the opposite party in respect of the police help application.
5. Also, the police help application was allowed *ex parte* at the first instance, without giving a reasonable opportunity to the opposite party to oppose the same. Furthermore, it appears from the impugned order that the foundational satisfaction of the Court, as to the opposite party having actually resisted the injunction order despite knowing of the same, does not find place in the impugned order.
6. Accordingly, the revisional application is required to be heard on the above questions.
7. The petitioners shall serve a copy of CO 85 of 2026 on the opposite party, indicating that the matter shall be listed for hearing in the next Circuit, when an affidavit of service to that effect shall be filed by the petitioners.
8. There shall be stay of operation of the impugned orders, bearing Order no. 22 dated June 25, 2024

and Order no. 23 dated June 27, 2024, both passed by the learned Civil Judge, Junior Division, Jalpaiguri in Title Suit No. 157 of 2019, till August 31, 2026 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)