

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

IA NO: GA/7/2025
IN CS/244/2023

DIVYANG SIKARIA AND ANR.
VS
VICKY RAJ SIKARIA AND ORS.

BEFORE:

The Hon'ble JUSTICE ANIRUDDHA ROY
Date : October 16, 2025. (VACATION BENCH)

Appearance:

Ms. Manju Agarwal, Sr. Adv.
Ms. Anju Manot, Adv.
Ms. Ruchi Hallen, Adv.
...for the plaintiffs/ petitioner

Mr. Rupak Ghosh, Adv.
Mr. Aditya Kanodia, Adv.
... for the respondent no. 1

Mr. Jishnu Saha, Sr. Adv.
Mr. Rajib Mullick, Adv.
Ms. Ayantika Saha, Adv.
...for the respondent no. 2

Mr. Ishaan Saha, Adv.
... for the respondent no. 7

1. At the outset, Ms. Manju Agarwal, Learned Senior Advocate appearing for the plaintiffs/petitioners submits that on a plain reading of the prayers (b) and (c), it appears both are identical and same including description of the respondents mentioned therein. Accordingly, in her usual fairness, Learned Senior Advocate submits that she shall not press for prayer (c) to the instant application and the said prayer (c) may be treated as relinquished/abandoned.

2. Affidavit of service filed in Court today is taken on record.
3. There are ninety numbers of respondents impleaded in this petition. The parent suit is a suit for partition. In the said suit earlier an order for injunction was applied for. The prayer would be evident from prayer (b) in GA/1/2024, as set out at page 44 to this petition. The orders were passed from time to time on February 19, 2024, March 11, 2024, and March 19, 2024, appearing at pages 171 to 174 to this petition and order dated April 21, 2025 at page 189 to the instant petition. All these orders would show that prayers for injunction prayed for earlier in terms of prayer (b) to GA/1/2024 was not passed even after repeated consideration and affidavits were directed to be filed. The order dated April 21, 2025 records that the demurer applications filed by some of the defendants shall be taken up before hearing of the injunction application and the injunction application was also directed to the considered.
4. The said GA/1/2024, the first injunction application, as referred to in paragraph 43 to the instant petition, is still pending and the some respondents have not filed their affidavit-in-opposition therein.
5. Pending the said first injunction application, the instant petition has been taken out. Learned Senior Advocate for the plaintiffs/petitioner has pressed for an order of injunction in terms of prayer (b) to the instant application.
6. On a conjoint reading of prayer (b) in GA/1/2024 and that of the instant petition, it appears that specific five numbers of

- respondents against whom injunction has been sought for in the instant petition whereas the order of injunction was prayed for in GA/1/2024 against all the respondents, which obviously include these five respondents and the order of injunction was not granted.
7. The plaintiff/petitioners have not preferred any appeal from the previous orders passed by the co-ordinate Benches when the order of injunction was not granted.
 8. Ms. Manju Agarwal, Learned Senior Advocate, submits that these five respondents referred to in prayer (c) to the instant petition have not yet filed their affidavit-in-opposition despite extension being granted by the Court.
 9. On the basis of subsequent development as contemplated in paragraphs 46 to 48 to the instant petition, Learned Senior Advocate renews the prayer for injunction against these five respondents.
 10. This petition has been opposed by Mr. Jishnu Saha, Learned Senior Advocate appearing for respondent no. 2, Mr. Rupak Ghosh, Learned Advocate appearing for respondent no. 1 and Mr. Ishaan Saha, Learned Advocate appearing for respondent no. 7.
 11. Learned Senior Advocate further submits that respondent no. 1 has also not filed affidavit-in-opposition.
 12. Considering the rival submissions made by the parties and considering the materials on record and more specifically the averments made in paragraphs 46 to 48 to the instant petition, this Court is of the considered view that no specific case has been made out stating any subsequent development on which the prayer for

order of injunction can be renewed in the instant petition, which has already been refused by the previous orders in the previous injunction application. The averments made in the instant petition are bald and general without any particulars.

13. In view of the foregoing reasons and discussions, there is no scope for passing any order of injunction as prayed for herein.
14. The respondents shall file affidavit-in-opposition on or before November 10, 2025; affidavit-in-reply by November 27, 2025.
15. After the aforesaid period expires, the parties shall be at liberty to mention the petition upon notice to each other before regular bench for inclusion under the heading **“Adjourned Motion”**.
16. It is pertinent to mention that, as observed by the co-ordinate Bench in its order dated April 21, 2025, the demurer point shall be heard first.

(ANIRUDDHA ROY, J.)