

(10)
08.09.2020
(p.jana)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

(Via Video Conference)

CO 1171 of 2020
With
(Old. No.) CAN 5168 of 2020
(IA No. CAN 1/2020)

Sri Madhusudan Das
-versus-
Sri Gopal Chandra Das & ors.

Mr. Rudranil De,
Ms. Madhurima Sarkar
... for the petitioner.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder, ... for the opposite parties.

Affidavit of service filed in Court today be kept
with the record.

The defendant in a suit for partition is the
petitioner of the instant application under Article 227 of
the Constitution of India.

The petitioner is challenging an order passed by
the appeal Court below in Misc. Appeal No. 02 of 2018
(Registration No. 09 of 2018) whereby the parties have
been directed to maintain status quo in respect of the suit
property till the disposal of the suit.

The appeal Court below has further directed that the suit to be disposed of expeditiously preferably within a period of one year from the date of the said order.

Mr. Rudranil De, learned counsel appearing for the petitioner, submits that the order of status quo is causing hardship to his client as due to Amphan his dwelling house in the suit property has been severely damaged which requires immediate repair. But the petitioner is unable to execute such repair work due to the existence of the order of status quo.

The order impugned was passed on August 14, 2019 and the suit has been directed to be disposed of within a time frame. At this stage I am not inclined to interfere with the order impugned.

It is however made clear that the petitioner is at liberty to apply before the Learned Trial Judge for variation and/or modification of the said order of injunction on the ground of change of circumstances.

It is further made clear that I have not gone into the merit of the said claim of the petitioner, and if approached it is for the Learned Trial Judge to decide the same in accordance with law.

CO 1171 of 2020 is thus disposed of, the connected applications being CAN 5168 of 2020 (Old No. and IA No. CAN 1 of 2020) also stand disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)