

09.03.2021
Ct. No.9
S/L No.6
KS

S.A. 63 of 2015
With
IA No. CAN 2 of 2016 (Old No. CAN 1434 of 2016)
+
IA No. CAN 3 of 2017 (Old No. CAN 6273 of 2017)
Ramendra Nath Ghosh (since deceased) represented by Smt.
Mira Ghosh & Anr.

-Vs.-
Radha Roy & Ors.
(Via Video Conference)

Mr. T. Mukherjee
Ms. Manisha Nath
.....For the Appellants

Affidavit of service shows that the service has been effected.

IA No. CAN 3 of 2017 (Old No. CAN 6273 of 2017)

This is an application of the appellants praying for order of injunction restraining the respondents from selling and/or alienating or from changing the nature and character of the suit property by making new construction thereat till the final disposal of the second appeal.

It is submitted that on 11th November, 2015, the sole appellant, Ramendra Nath Ghosh had died intestate leaving behind his wife, Smt. Mira Ghosh and only son, Sri Purnendu Ghosh who have been substituted in place and stead of the deceased sole appellant. It is further submitted that arrangements are being made for

constructions by the respondents at the suit premises, so GDE No.18170 dated 21st December, 2016 was registered with local police station and at the intervention of the police, all building materials were removed but the respondents have now gathered building materials and engaged masons to make additional construction in the suit property pending adjudication of the instant appeal.

It would appear that on this application, the Division Bench of this Hon'ble Court was pleased to direct the parties to maintain the *status quo* as regards possession, nature and character of the suit property for a period of six weeks, after admitting the second appeal on formulation of substantial questions of law, vide order dated 10.09.2014.

In absence of any other contentions contrary to the contentions made on behalf the appellant, the order passed by the Division Bench of this Hon'ble Court is made absolute and do continue till the disposal of the appeal. The appellants are directed to take all possible steps for preparation of the second appeal for its final hearing.

Thus, the application being, IA No. CAN 3 of 2017 (Old No. CAN 6273 of 2017) is disposed of without any order as to costs.

(Shivakant Prasad, J.)

