

01.09.2021
KC(5)

F.M.A.T. 190 of 2020
Amzad Ali and Ors.
-versus-
Rabia Ahmed and Anr.
With
CAN 1 of 2020 (Old CAN No. 1745 of 2020)
(Via Video Conference)

Mr. Shayak Chakraborty,
Mr. Abdul Zahid.....For the appellants.

Mr. Sourajit Dasgupta,
Mr. Debanjan Ghosh.....For the respondent
no. 1.

Mr. Zohaib Rouf.....For the respondent
no. 2.

As the point involved is very short we propose to
dispose of this appeal, dispensing with all formalities.

On 3rd December, 2018 an ex parte order of
status quo in respect of the subject property was passed
by the learned court below with usual directions for
issuance of a show cause notice upon the defendants
and so on.

The appellants/defendants took out an
application under Order 39 rule 4 of the Civil Procedure
Code for vacation or variation of that order. That
application was dismissed by the learned court below
on 9th January, 2020.

Hence, this appeal.

There has been a long passage of time between 9th
January, 2020 and today. After dismissal of the Order

39 rule 4 application, the main interim application should be heard out. It is still pending.

It is submitted by learned counsel that affidavits have been exchanged in the main interim application. We are of the view that the said application should be heard out.

We dispose of this appeal (F.M.A.T. 190 of 2020) by observing and directing that the main interim application should be heard out on merits, keeping all points open.

The connected application [CAN 1 of 2020 (Old CAN No. 1745 of 2020)] is also disposed of.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)