

FMAT 304 of 2018

Dr. Urmila Ray
Vs.
Dr. Rajashree Ray & Anr.

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The appeal was filed on 17th April, 2018 and thereafter no attempt was made for hearing of this appeal.

The appeal has arisen out of an order dated 15th March, 2018 in respect of two applications. One filed by the plaintiff under Order 39, rule 1 & 2 read with Section 151 of C.P.C and another application filed by the defendant under Order 39 rule 04 of C.P.C.

It appears from the impugned order that the learned Judge arrived at a prima facie finding that the suit property belonged to the plaintiff and her husband Dwijendra Kumar Roy, since deceased.

Having regard to the fact that the said Dwijendra bequeathed his half share in the suit property to the defendant by a will dated 7th September, 2016 the defendant claimed to occupy the suit premises.

Both the parties were directed to maintain status quo as regards the nature, character and possession of the suit property as on 15th March, 2018 till the disposal of the suit.

It appears that the matter was sent to mediation for amicable resolution of the dispute in view of the relationship between the plaintiff and the defendant.

On considering of the said order and having regard to the nature and dispute between the parties, we are not inclined to interfere with the order passed by the learned trial judge.

The appeal is accordingly disposed of without any order as to costs.

(Saugata Bhattacharyya,J.) (Soumen Sen, J.)