

15.07.2021
Ct. No.9
S/L No.1
KS

(Via Video Conference)

C.O. 1232 of 2021

Ashok Marik & Ors.

-Vs.-

**Sri Sri Kalimata Thakurani represented by its Shebait
Shankari Bali & Ors.**

Mr. Uday Narayan Betal

Sk. Toslim Ali

.....For the Petitioners

Mr. Sankar Pal

Mr. Syed Murshid Alam

.....For the Respondent No.1/O.P.

Mr. Uday Narayan Betal with Sk. Toslim Ali, learned advocates appearing on behalf of the petitioners and Mr. Sankar Pal with Mr. Syed Murshid Alam, learned advocates appearing on behalf of the respondent no.1/Opposite Party appeared.

The revisional application under the scheme of Article 227 of the Constitution is taken up for hearing. The petitioners have assailed the order dated 30.04.2021 passed in Misc. Appeal No.28 of 2021 by the learned Additional District Judge, 1st Court at Uluberia, Howrah arising out of an order dated 25.03.2021 passed by the learned Civil Judge (Junior Division) at Amta, Howrah thereby allowing the ad interim order of injunction passed in Title Suit No.50 of 2021.

Now, in this revisional application, it is submitted on behalf of the petitioners that Misc. Appeal No.28 of 2021 is pending before the learned Appeal Court below and learned advocates appearing for the respondent no.1/opposite party have agreed to an order of *status quo* in respect of the suit property as on the date till the disposal of the said appeal to prevent any mischief to the suit property.

It is submitted on behalf of the respondent no.1/opposite party that the suit property is a 'Debottar' property and the respondent no.1/opposite party is 'Shebait' of the deity whereas the learned advocate for the petitioners submits that the petitioners are lawful purchasers of the suit property for valid consideration from the original recorded owner of the suit property.

In consideration of the rival contention and as per the submission of learned advocates for both the parties, it is imperative for the Court to protect the suit property from any mischief. Hence, on consent of the parties, let there be an order of *status quo* in respect of the suit property as on the date till the disposal of the Misc. Appeal No.28 of 2021. However, this order is passed without prejudice to the rights and contentions of the parties to the suit and with further direction upon the learned Appeal Court below to dispose of the appeal as expeditiously as

possible preferably within a period of three months from the date of communication of this order.

Accordingly, revisional application being, C.O. 1232 of 2021 is disposed of. No costs.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Shivakant Prasad, J.)