

25.01.2021
SL No.23
Court No.12
(gc)

**FMAT 1076 of 2019
With
CAN 1 of 2020
(Old No: CAN 1229 of 2020)**

**Tirtha Roy
Vs.
Partha Ray & Ors.**

(Via Video Conference)

The appellant is not represented either physically or on virtual mode, nor any accommodation is prayed for. The appellant was also not represented on the earlier occasion.

The appeal is arising out of an order dated 23rd July, 2019 in a partition suit. The plaintiff claims to be the co-sharer of the property. It appears from the impugned order that the learned Advocates for both the parties agreed to continue with the status quo order passed earlier till the disposal of the suit in view of the fact that the suit is for partition. The order of status quo appears to be continuing since 13th June, 2017. The conduct of the defendant appearing from the order is also not satisfactory.

On such consideration, we do not find any reason to interfere with the order passed by the learned Trial Judge.

The appeal being FMAT 1076 of 2019 and the stay application being CAN 1 of 2020 (Old No: CAN 1229 of 2020) stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Aniruddha Roy, J.)

(Soumen Sen, J.)