

MAT 646 2020
with
IA No: CAN 1 of 2020

Poly Biswas & Anr.
vs.
Sri Girija Shankar Chatterjee & Ors.

(Via Video Conference)

Mr. Bikash Ranjan Bhattacharyya
Mr. Rananeesh Guha Thakurta

.....for the Appellants

Mr. Pantu Deb Roy
Mr. Subhasish Pachal

....for the respondents

This appeal is directed against an *ad interim* order where by the learned Trial Court has directed erection of temporary boundary/fencing wall during the pendency of the proceedings.

We have heard the parties.

We are of the view that the matter is at an interlocutory stage and is still pending before the Learned Trial Court. The main writ petition is yet to be disposed of.

It is submitted on behalf of the appellant that the direction in so far as erection of a temporary boundary/fencing wall is concerned, ought not have been passed in the facts and circumstances of the instant case. We are unable to agree with the submission of the

appellant. The learned Trial Court has pertinently only directed erection of a temporary boundary/fencing wall as an *ad interim* measure. There has been no final adjudication insofar as the rights of the parties are concerned. Accordingly, there can be no prejudice to the appellant till the writ petition is finally disposed of.

We are of the view that there is no reason to interfere with the discretion exercised by the Learned Single Judge. In fact, we are of the view that the direction exercised by the Learned Trial Court was for the limited purpose of protection and preservation of the subject premises till the matter is finally disposed of.

In view of the aforesaid, this appeal being **MAT 646 of 2020** along with **CAN 1 of 2020** stand **dismissed**.

However, there will be no order as to costs.

The parties are granted leave to mention the matter before the learned Trial Court for early hearing of the writ petition subject to convenience of the Learned Trial Court.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ravi Krishan Kapur, J.) (Subrata Talukdar, J.)