

12th August,
2021
(AK)
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C.O. 1356 of 2020

**Sri Bappaditya Patra
Vs.
Sri Gopal Pal and others**

(Via video conference)

Mr. Debasis Sur
Mr. Angshuman Patra
... For the Petitioner.

Mr. Soumik Ganguly
Mr. Sayan Roy
...For the Opposite parties.

Affidavit-of-service filed in court today be kept on record.

Learned counsel for the petitioner contends that both the courts below passed an order of status quo without specifically mentioning as to who was in possession in respect of the suit property. As such, it is argued that the impugned orders ought to be set aside of such score alone.

That apart, learned counsel for the petitioner submits that the petitioner has been enjoying the possession of the property since long and no order of status-quo and/or injunction ought to have been passed at all by either of the courts below in favour of the opposite parties.

Learned counsel appearing for the opposite parties places reliance on the specific finding of the trial court while granting status-quo, to the effect that the *prima facie* case was in favour of the opposite parties, on the basis of settlement deeds and plaint receipts in their favour.

In view of such finding, counsel argues, it is evident that the status-quo order was passed in the context of such findings and it cannot be said that the impugned orders are unreasoned.

There is substance in the contention of the opposite parties that the courts below clearly considered the documents produced before it to arrive at the finding that the opposite parties had made out a *prima facie* case sufficient for the suit to go for trial and granted status quo in the light of such observation, on the basis of the specific prayer for injunction made by the opposite parties. Thus, the impugned orders do not suffer from any material irregularity or jurisdictional error justifying interference under Article 227 of the Constitution of India.

As such, since this court is informed that the suit itself is already at the trial stage, C.O. 1356 of 2020 is disposed of without interfering with the impugned order but requesting the Civil Judge (Junior Division), Second Court at Bankura to dispose of Title Suit No. 69 of 2017 pending before it as expeditiously as possible, preferably

within ten months from the date of communication of this order to the court below.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)