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SK
Ct. No. 12
25.01.2021

**F.M.A.T. 461 of 2020
CAN 1 of 2020
(Via Video Conference)**

**Trust Estate of Sree Sree Iswar Lakshmi
Narayan Jew, represented by its existing
trustees/shebaites, namely Smt. Punam
Chakraborty alias Poonam Chakraborty (nee
Ghosh) & Ors.**

Vs.

Sri Ram Jiwan Kanoria & Ors.

Mr. Asit Baran Raut,
Mr. Tuhin Subhra Raut ... For the appellants.

Mr. Mukul Lahiri ... For the respondents.

This appeal is arising out of an order dated 28th September, 2020 in connection with an application filed by the appellants for passing an ad interim order of injunction against the defendant nos. 1 to 7. The learned trial Judge refused to pass the ad interim order of injunction without notice to the respondents.

We have been informed that this matter was fixed for today but by reason of holiday the matter could not be taken up by the trial Court. In view of the fact that the deity is the owner of the property and the beneficiary under the deed of settlement. We feel that certain protective interim order is required to be passed as the interest of deity is in jeopardy, having regard to the conduct of the parties to the suit which

does not absolve that the petitioners and the in predecessors in interest.

Under such circumstances, we restrain the defendant nos. 1 to 7 from alienating, encumbering and mortgaging the property in the suit till this matter is being heard and disposed of by the learned trial Court. We pass this order having regard to the fact that we expected the trial Court to take up the matter at the earliest.

We make it clear that the trial Court shall hear the application for interim prayers as expeditiously as possible and preferably within a period of three months from the date of completion of pleading. The respondents/defendants in the suit shall file their written objection to the application for injunction within two weeks from date. Reply, thereto, if any, within two weeks thereafter.

The learned trial Judge is directed to take up the hearing of the application immediately after completion of the affidavits and to decide the matter within the aforesaid stipulated time without being influenced by any of the observation made by us in this appeal.

We make it clear other reliefs prayed for is not granted at this stage and the trial Court shall decide the whole matter uninfluenced by the observation

preferably within three months without granting any unnecessary adjournments.

With the above observations, the appeal and the connected application are disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Soumen Sen, J.)

(Aniruddha Roy, J.)