

41. 18-04-2022

FA 54 of 2019
CAN 2 of 2020 (old CAN 1619 of 2020)

^{sg} Ct. 8

Sukumar Sur, since deceased, represented by
Annapurna Ghosh & Anr.
Versus
Debi Sur (Manna)

The appellants are not represented nor any accommodation is prayed for on their behalf. Even on the earlier occasions, the appellant had remained unrepresented. Pursuant to our earlier order, a report has been filed by the Civil Judge (Senior Division), 5th Court, Alipore, South 24 Parganas.

From the report it appears that the suit has been fixed on 27th July, 2022 for service return and appearance of the defendants. It further appears that the plaintiff had remained unrepresented on 9th December, 2021 and 22nd March, 2022 when the matter was fixed for further consideration. The Trial Court prima facie was of the view that all the co-sharers are in possession of the respective portions of the suit property and no order of injunction could be passed against a co-sharer from enjoying his right, title and interest in the suit property.

We do not find any reason to interfere with the order dated 30th January, 2017 passed by the learned Civil Judge (Senior Division), Small Causes Court, Sealdah, South 24 Parganas in connection with the injunction application. However, we dispose of this appeal by requesting the learned Trial Judge to dispose of the injunction application as expeditiously as possible and fix a date for disposal of the injunction application at an earliest.

The appeal being FA 54 of 2019 and the application being CAN 2 of 2020 (old CAN 1619 of 2020) are accordingly, disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)