

05.07.2022
SL No.34
Court No.8
(gc)

FMA 2325 of 2014
With
CAN 1 of 2013
(Old No: CAN 1176 of 2013)
With
CAN 2 of 2013
(Old No: CAN 4250 of 2013)

Rampada Mirdha @ Midya & Ors.
Vs.
Nil Rohit Ghosh & Anr.

(Through Video Conference)

This matter appeared in the warning list on 29th June, 2022 and continued to appear in the list until it was transferred to the daily cause list today.

The appellants are not represented, nor any accommodation is prayed for on behalf of the appellants.

The appeal is arising out of a judgment and order passed in connection an application under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure in a suit filed by the plaintiff for declaration and injunction.

The learned Trial Judge found that the plaintiffs' case is based on C.S. Recording. However, R.S.R.O.R and L.R.R.O.R in respect of the suit property stand in the name of the defendants and they are paying Government rent regularly. The learned Trial Judge has rightly held that it is not possible at this stage to decide whether such recording of R.S.R.O.R & L.R.R.O.R. is baseless or manipulated. The C.S.R.O.R. has lost its force after preparation of R.S.R.O.R. Since the R.S.R.O.R. and

L.R.R.O.R. stand in the name of the defendants and, prima facie, show that the defendants are in possession of the property, the learned Trial Court refused to pass any order of injunction and, in our view, the impugned order does not warrant any interference from our end.

Accordingly, the appeal and the connected applications 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.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)