

05.07.2022
SL No.36
Court No.8
(gc)

**FMA 533 of 2015
With
CAN 1 of 2015
(Old No: CAN 387 of 2015)**

**J.B. Estates Pvt. Ltd.
Vs.
Vinod Kumar Agarwal & 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 appellant is not represented, nor any accommodation is prayed for on behalf of the appellant.

This appeal is directed against the Order No.49 dated 21st November, 2014 passed by the learned Civil Judge, 3rd Bench at City Civil Court at Calcutta. The suit was filed by the plaintiff with an application for interim injunction and the learned Trial Court was pleased to allow the prayer having been satisfied, about the prima facie, possession of the plaintiff in respect of the suit property. Subsequently, the defendant entered appearance and filed an application under Order 39 Rule 4 of the Code of Civil Procedure.

Having considered the materials available on record and having heard the learned Counsel for the parties, the learned Trial Court was pleased to hold that the plaintiff/respondent cannot be evicted from the suit property without due course of law and directed the parties

to maintain status quo in respect of the nature, character, possession and alienation of the suit property till disposal of the suit.

We do not find any reason to interfere with the order impugned.

In the event the suit is pending, we request the learned Trial Judge to dispose of the suit as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

Accordingly, the appeal and the connected application 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.)