

14.03.2022
SL No.12
Court No.8
(gc)

**FMA 923 of 2019
With
CAN 1 of 2019
(Old No: CAN 1630 of 2019)**

**Smt. Ranjana Jaiswal
Vs.
Sri Swapan Roy & Ors.**

(Via Video Conference)

Mr. Suprabhat Bhattacharya,
Ms. Sangeeta Roy,
Mr. Chandra Prakash,
.....for the Appellant.

In spite of service, the respondents are not represented.

The affidavit of service filed in Court today be kept with the record.

In a suit for specific performance, the learned Trial Court passed an order on 17th January, 2017 directing the parties to maintain status quo with regard to any alienation and creation of any third party interest in respect of the suit property till 27th March, 2017. The said interim order was extended till 17th December, 2018. However, on 17th December, 2018, the interim order was vacated on the ground that the petitioner has not filed any application for extension. It was incumbent upon the Court to consider the pending application on merits and without deciding the said application on merits, the Trial Court perfunctorily refused to extend the interim order.

The plaintiff is no way responsible for the delay in disposal of the injunction application.

In view thereof, we restore the interim order passed on 17th January, 2017. The said interim order shall continue till disposal of the injunction application. We are informed that said injunction application is still pending. We request the learned Civil Judge (Senior Division), Sealdah to dispose of the injunction application at the earliest without granting any adjournment to either of the parties unless it is avoidable. We also request the learned Trial Judge to dispose of the suit as expeditiously as possible.

With the aforesaid observation, the appeal being FMA 923 of 2019 and the application being CAN 1 of 2019 (Old No: CAN 1630 of 2019) stands disposed of.

However, there shall be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)