

20.07.2022

Sl.No. 3
Ct.No.3
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 562 of 2022

Rajib Hazra & Anr.
VS
Smt. Amita Chattopadhyay & Ors.

Mr. Amal Baran Chatterjee, Sr. Adv.
Mr. Samiran Mondal
Mr. Abhinaba Dan

...for the appellants

Mr. Subhas Chandra Atha
Mr. Payel Paramanik

...for the respondents

Re: CAN 2 of 2022

This is an appeal arising out of a judgment and order passed by the learned court below on 20th November, 2020 vacating its order of injunction/status quo passed earlier in a suit for specific performance of an agreement for sale of an immovable property.

On 20th May, 2022, a Division Bench of this court had reinstated the said order of injunction directing it to continue for a period of 8 weeks from the date of the said order.

Today, at the instance of Mr. Amal Baran Chatterjee, learned senior advocate appearing for the appellants, this appeal is appearing in our list as 'to be mentioned'.

We formally admit the appeal.

We have heard out the appeal dispensing with all formalities.

We are of the view that the interest of justice would be best sub-served, if the suit itself is expedited before the learned court below and extension of the interim order made by us on 20th May, 2022 till the decree is passed by the court.

We dispose of this appeal by requesting the learned court below to try and determine the suit by 31st January, 2023.

The order of injunction/status quo passed by the court below on 20th November, 2020 extended by this court on 20th May, 2022 be continued till the suit is decreed or until further order by the learned court below, whichever is earlier and will abide by the decree to be passed.

All questions are kept open before the court below.

The appeal and the connected application are disposed of by this order.

(Subhendu Samanta,J.) (I. P. Mukerji,J.)