

30.09.2022
KC(14)

F.M.A.T. 157 of 2022
Rongon Neogi and Ors.
-versus-
Chandana Mallick
With
CAN 1 of 2022

Mr. Srijib chakraborty,
Ms. Sudeshna Basu Thakur.....For the appellants.

Mr. K. Thaker,
Mr. Soumavo Ghose,
Ms. Stabdi Dutta,
Ms. Nitu Singh.....For the respondents.

We admit this appeal.

We have heard learned counsel for the parties.

The impugned order dated 16th March, 2022 was made in a suit claiming specific performance of an agreement for transfer of the subject property.

As an interim order, the learned court below, inter alia, restrained the respondents/defendants from transferring the property. Thereafter on final consideration of the interim application it was found by the learned judge that much before institution of the suit, the defendants/respondents had transferred the property to a third party. In those circumstances, the interim order was vacated.

We find no infirmity in this order.

Dispensing with all formalities we have heard out the appeal.

We dispose of it (F.M.A.T. 157 of 2022) and the connected application (CAN 1 of 2022) by observing that any disposition or dealing with the subject property by the respondents, under the doctrine of *lis pendens*, would abide by the decree to be passed by the learned court below.

The learned court below may be approached by either party to expedite the trial of the suit.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)