

22.06.2022
KC(21)

F.M.A.T. 178 of 2022
Sk. Nazir @ Sk. Nazir Ahmed and Ors.
-versus-
Sk. Yusuf Ali and Ors.
With
CAN 1 of 2021

Mr. Indranath Mukherjee,
Mr. Sukanta Mandal.....For the appellants.

Mr. Pratip Mukherjee,
Mr. Omar Faruk Gazi,
Mr. Sumalya Chakraborty.....For the respondents.

We admit the appeal.

As the point involved is very short, we dispose of the appeal today itself by dispensing with all formalities.

The bone of contention between the parties is with regard to the impugned judgment and order dated 22nd April, 2022 passed by the learned court below directing the parties to maintain the “status quo ante”.

Mr. Indranath Mukherjee, learned advocate for the appellants/petitioners contends that this order is being utilised by the plaintiff/respondent nos. 1, 2 and 3 to undo each and every construction or each and every act which his clients have undertaken in the subject property.

Since the legality of diverse transfers with regard to the property at an earlier point of time is also the subject matter of the suit, the learned judge may have felt that till the decision was made on these issues, the status quo

which existed prior to the disputed transactions, should be maintained.

In our opinion, this kind of an interim order is equivalent to passing a final judgment in the suit.

Accordingly, we modify the said impugned interim order by directing that the parties shall maintain status quo as on 22nd April, 2022 till the suit is finally decreed or further orders of the learned trial court, whichever is earlier. Any sale, other transfer, creation of encumbrance or otherwise dealing with the property prior to 22nd April, 2022 would abide by the decree to be passed in the suit.

At the suggestion of Mr. Mukherjee we clarify that this order will not prevent the appellants from applying for a new electricity connection, in accordance with law.

The appeal (F.M.A.T. 178 of 2022) and the connected application (CAN 1 of 2022) are disposed of.

(I.P. MUKERJI, J.)

(BIVAS PATTANAYAK, J.)