

FMA 4578 of 2016
with
I.A No. CAN 1 of 2016(Old CAN No. 4897 of 2016)

Fayej Sk. & Anr.
Vs.
Rumesha Bibi & Ors.

The appellants are not represented nor any accommodation is prayed for on behalf of the appellants.

The appeal is arising out of the impugned order no. 4 dated 5th April, 2016 passed by the learned Civil Judge, Senior Division, Jangipur, Murshidabad in Partition Suit No. 43 of 2016.

Learned Trial Judge refused to pass ex parte ad interim order in view of the fact that one of the co-sharers is required to be heard in order to find out the status of all the parties in connection with the suit property. Moreover, it appears that the appeal was moved on 11th May, 2011. Thereafter, no attempt was made to move this appeal. The appellants were also not represented on the earlier occasion.

It may be that by the long passage of time, the application for injunction may have been disposed of. However, in the event the said injunction application is still pending, we request the learned Trial Judge to dispose of the injunction application as earlier as possible and also to take all endeavour to dispose of the suit pending between the parties.

With the aforesaid observation, the appeal being FMA 4578 of 2016 stands dismissed along with CAN 4897 of 2016.

Registrar Administration (L & OM) is directed to communicate this order to the learned Civil

Judge, Senior Division, Jangipur, Murshidabad
for information and doing the needful.

(Uday Kumar, J.)

(Soumen Sen, J.)