

FMA 27 OF 2022

Sri Subhayan Ghosh

Vs.

Sri Rabindra Nath Paul & Ors.

The appellant is not represented nor any accommodation is prayed for on behalf of the appellant. Even on the earlier occasion, the appellant was also not represented.

The impugned order is dated 2nd July, 2021. The order was passed in connection with an application filed by the plaintiffs for an ad interim order of injunction. The suit is for partition injunction. The trial Judge on consideration of the photocopy of several documents including RS ROR filed by the plaintiffs arrived at a finding that the plaintiffs were able to, *prima facie*, establish that the suit property is a joint property and, accordingly, passed an order directing the parties to maintain *status quo* in respect of the nature, character and possession of the suit property as it stands till 20th August, 2021. Both the parties were restrained from creating any third party interest on the suit property and directed to maintain continuance of the nature and character of the suit property till 20th August, 2021.

In absence of the appellant we are not aware whether the said interim order has been extended further.

However, considering the materials on record and the nature of the suit we are of the view that the learned trial Judge was justified in passing an ad interim order for a limited duration.

The appeal accordingly fails. However, there shall be no order as to costs.

(Ajoy Kumar Mukherjee, J.)

(Soumen Sen, J.)