

02.09.2022

Sl.No. 10
Ct.No.3
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 810 of 2022
With
CAN/1/2022

Sahana Begum
Vs.
Sk. Mizanoor Rahaman & Ors.

Mr. Mukul Lahiri, Sr. Adv.
Mr. Victor Dutta
Mr. Sourajit Dasgupta
...for the appellant/petitioner

Mr. Mohinoor Rahaman
Mr. Sk. Abumurs
...for the respondent nos. 4, 5 & 6

Re: CAN/1/2022

As the point involved is very short, we have taken up for hearing the appeal itself dispensing with all formalities.

Mr. Lahiri, learned senior advocate appearing for the appellant/petitioner submits that there are two cross suits. In one his client is claiming declaration of title to a certain property in favour of the appellant/petitioner. In the other suit (Title Suit No. 656 of 2019) the respondents are claiming similar declaration.

In the present suit (Title Suit No. 865 of 2019/83) by an order passed on 20th May, 2022 by the learned 3rd Civil Judge (Senior Division) at Alipore, the interim order prayed for was refused

on the ground that there was already an interim order in the other suit (Title Suit No. 656 of 2019).

We do not think that was a proper order.

We modify the said order dated 20th May, 2022 by directing that the interim order operating in the suit (Title Suit 656 of 2019) shall be deemed to be incorporated in the present Title suit 865 of 2019. Parties bound by this order shall be according to their description and identity in the interim order in Title suit No. 656 of 2019.

However, although the said order is incorporated in the present suit, the parties will have the liberty to ask for its vacation or variation later before the learned court below considering the prevailing circumstances of the present case.

The appeal and the connected application for stay are, accordingly, disposed of.

(Biswaroop Chowdhury,J.) (I. P. Mukerji,J.)