

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.M.A.T. 259 of 2022
With
CAN 1 of 2022**

**Kaustabh Mondal & Anr.
Vs.
Niranjan Saha**

Mr. Subhendu Banerjee ... For the Appellants.

**Mr. Faruk Hossain
Mr. Gautam Das
Ms. M. Patra ... For the Respondent.**

We are in a position to dispose of this appeal today itself, dispensing with all formalities.

This appeal arises out of an alleged agreement for sale of land. According to the appellants/plaintiffs the consideration was Rs.7,00,000/-(Seven Lakhs) out of which appellants/plaintiffs have paid Rs.3,00,000/- (Three Lakhs) to the respondent/defendant, at the time of entering into an agreement for sale. In breach of the said agreement the respondent/defendant has not fulfilled his obligation; instead he is making construction on the subject property and trying to evict the appellants from their possession.

S.D.

Although, some reasons have been given by the

learned judge in his judgement and order dated 22nd June, 2022 refusing the ad interim order, the reasons ought to have been more detailed.

In any case the matter was made returnable before the said court on 30th August, 2022.

We are of the view that the interim application should be heard out by the learned court below in the presence of the respondent/defendant and upon hearing them by a reasoned order as soon as possible, within three months from date, preferably.

The learned court below shall refix the returnable date of the application when the prayer for interim order shall be reconsidered and thereafter give directions for filing written objection etc.

Considering the above facts and the balance of convenience which is in favour of the appellants/ plaintiffs, we direct that till 30th November, 2022 or until further order by the learned court below, whichever is earlier, the parties shall maintain status quo with regard to the ownership and possession or creation of encumbrance with regard to the subject property. The parties shall not otherwise deal with it. Further continuance of the interim order, if necessary, shall be at the discretion of the learned judge.

All points are kept open before the learned court below.

The appeal (FMAT 259 of 2022) and the connected application (CAN 1 of 2022) are disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

