

16.09.2022
KC(20&21)

F.M.A.T. 341 of 2022
Jaisingh Sethia
-versus-
Sarika Goenka
With
CAN 1 of 2022
With
F.M.A.T. 342 of 2022
Jaisingh Sethia
-versus-
Sarika Goenka
With
CAN 1 of 2022
With
CAN 2 of 2022

Mr. Mukteswar Maity,
Md. Abdul Hamid.....For the appellant.

Ms. Sulagna Mukherjee,
Mr. Ashis Kumar Mukherjee,
Mr. Sourabh Prasad.....For the respondent.

We admit the appeals.

We also proposed to hear them out today itself,
dispensing with all formalities.

Since it is a suit by the respondent/plaintiff
claiming ownership and possession of the subject flats
comprising the suit property, we find no infirmity in the
impugned interim order restraining the
appellant/defendant from transferring or otherwise
dealing with the said property.

Ms. Mukhrjee, learned advocate appearing for the
respondent/plaintiff submits that along with the flats

furniture was also let out to the appellant. He is trying to dispose of the furniture.

Learned counsel for the appellant says that the furniture belongs to his client and that he should be permitted to deal with them.

The order of injunction restraining disposition of the suit property shall continue till disposal of the suit or until further order of the learned court below, whichever is earlier.

As far as the order restraining disposal of furniture is concerned, on a proper application made by the appellant, the learned court below shall determine which furniture belongs to him and if it is found that any furniture does belong to him, he shall be permitted to dispose of or deal with that particular furniture only.

We expedite trial of the suit and request the learned court below to dispose of the same by 15th September, 2023.

By 28th September, 2022 either parties will make an appropriate application before the learned court below seeking directions to expedite trial of the suit which should be disposed of by the said court as soon as possible expediting the suit so that it is disposed of within the above time frame – 15th September, 2023.

On the prayer of learned counsel for the appellant we clarify that all issues including the issue of

maintainability are kept open before the learned court below.

The appeals (F.M.A.T. 341 of 2022 and F.M.A.T. 342 of 2022) and the connected applications (CAN 1 of 2022 in F.M.A.T. 341 of 2022 and CAN 1 of 2022 and CAN 2 of 2022 in F.M.A.T. 342 of 2022) are disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)