

14.03.2022  
SL No.22  
Court No.8  
(gc)

**FMA 828 of 2021  
With  
CAN 1 of 2018  
(Old No: CAN 8311 of 2018)**

**Chaitali Bose  
Vs.  
Madai Koley & Anr.**

**(Via Video Conference)**

The appellant is not represented nor any accommodation is prayed for.

This appeal is arising out of an order initially passed on 30<sup>th</sup> July, 2018 in a suit for specific performance and thereafter the said order was extended till about 1<sup>st</sup> December, 2018. The learned Trial Judge upon taking into consideration that the plaintiff having paid a sum of Rs.8 lacs out of Rs.40 lacs as mutually agreed upon by the parties and being in possession of the suit property, directed the parties to maintain status quo in respect of the suit property. The defendants were restrained from transferring and/or alienating the suit property. The said interim order was extended from time to time. The appellant seems to have not filed any application for vacation of the said interim order. The plaintiff having established a prima facie case in respect of his possession in the suit property was favoured with the interim order.

Although the appeal was filed on 27<sup>th</sup> September, 2018, but it seems that no effort was made by the appellant to have the matter listed. In all likelihood, the injunction application might have been disposed of by the Trial Court in the meantime. In the event the said injunction application is pending, we direct the learned Civil Judge (Senior Division), 3<sup>rd</sup> Court, Howrah to dispose of the injunction application as early as possible without granting any adjournment to either of the parties. Presently, we are not interfering with the ex parte ad-interim order as the plaintiff was in admitted possession of the suit property. All questions are left open to be decided by the learned Trial Court on consideration of the written objections and materials on record to be filed by the parties in the said proceeding.

With the aforesaid observation, the appeal being FMA 828 of 2021 and the application being CAN 1 of 2018 (Old No: CAN 8311 of 2018) stand disposed of.

However, there shall be no order as to costs.

A copy of this order shall be communicated to the learned Registrar Administration (L&OM) for taking necessary steps.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Ajoy Kumar Mukherjee, J.)**

**(Soumen Sen, J.)**