

16.9.2022  
43  
Ct. no. 652  
sb

**C.O. 4410 of 2019**

**Manohar Ghosh**  
**Vs.**  
**Harisadhan Mandal & Ors.**

Mr. Samiran Mondal  
Mr. Abhinaba Dan  
Mr. Nitish Samanta                      ...for the petitioner

Leave is granted to the learned advocate for the petitioner to make necessary corrections in connection with the number of appeal.

Being aggrieved and dissatisfied with the order dated 5.10.2018 passed by the learned Civil Judge (Senior Division), Bankura in J. Misc. Case no. 2 of 2013 arising out of title appeal no. 14 of 2009, the present application has been preferred.

Learned advocate for the petitioner submits that this is an appeal for the year 2009 and the impugned order relates to order no. 71 which was passed on 5.10.2018, whereby learned appellate court was pleased to direct both the parties to maintain status quo in respect of nature and character and respective possession over the suit property as on the date of passing order and not to change the nature and character of the suit property by way of alienation,

encroachment, development or encumbrance whatsoever till the disposal of the said J. Misc. case no. 02/13.

He further submits that since passing of the impugned order dated 5.10.2018, the case could not proceed as the matter is still pending for adjudication before this court. He made an innocuous prayer that the learned First Appellate court may be directed to dispose of the instant appeal within a time frame.

Having considered the facts and circumstances of the case and that the matter is pending since long and even four years have already passed since passing the impugned order whereby the first appellate court was pleased to grant interim injunction, I find that instant appeal is required to be disposed of within a time frame.

In view of above, learned Civil Judge (Senior Division), Bankura is directed to dispose of the title appeal no. 14 of 2009 within a period of six months from the date of the communication of the order. However it should be made clear that this court has not gone into merits of the case and all questions shall be kept open for disposal by the court below.

Accordingly, C.O. 4410 of 2019 is disposed of.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

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