

27.03.2023
KC(9)

F.M.A.T. 10 of 2023
Manabendra Mondal
-versus-
Arabinda Mondal and Ors.
With
CAN 1 of 2023
With
CAN 2 of 2023

Mr. Rajdeep Mantha.....For the appellant.

Mr. Shyama Prasad Purkait,
Ms. Moumita Mondal.....For the respondent
no. 2.

We admit the appeal. At the same time we are in a position to dispose of it, dispensing with all formalities.

Learned counsel for the appellant/petitioner has aired one substantial grievance. His client should be allowed to complete the construction already undertaken in the suit premises. In this connection he submits that the self-same property was the subject matter of an earlier partition and administration suit where a preliminary decree has already been passed by the court. This fact was suppressed by the respondents/plaintiffs while obtaining the impugned interim order.

The appellant/petitioner has already filed an application before the learned court below for *inter alia*

vacation of the impugned order as well as enabling orders to proceed with construction.

We are of the view that at this stage the interim applications pending before the learned court below, including those made by the appellant mentioned above, should be disposed of as expeditiously as possible.

Accordingly, we direct that either of the parties should immediately by 5th April, 2023 make an application before the learned court below seeking directions for completion of affidavits in the pending applications and for fixing an early date of hearing. We request the learned court below to dispose of all interim applications pending before it within ten weeks of communication of this order.

The appeal and the connected applications are disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)