

01.03.2023

Sl.No. 107

Ct.No.3

Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 83 of 2023

With

CAN/1/2023

Karuna Bar & Ors.

VS

Prasanta Kumar Bar & Ors.

Mr. Partha Chakraborty

Ms. Paulomi Dutta

Ms. Payel Basak

...for the appellants

Re: CAN/1/2023

An affidavit of service is on record.

According to the affidavit of service, the respondent nos. 14, 24, 25 and 27 have accepted service, whereas the respondent nos. 1 to 13, 15 to 23, 26, 28 and 29 have refused service.

None appears for the respondents.

We admit the appeal. Dispensing with all formalities we dispose of it.

Learned advocate for the appellants/ petitioners will make an appropriate application before the learned court below to prepone the returnable date of the interim application to a date within 15th March, 2023. That application will be considered by the learned Judge and disposed of fixing a date of hearing of the said

application within 15th March, 2023 upon notice to all the respondents.

The interim application shall be disposed of within 30th June, 2023.

Considering the prima facie case of the appellants/petitioners that they are co-sharers of the subject property which is undivided and that the respondents are carrying on construction therein, we restrain the respondents from making any construction till 31st March, 2023 or until further order of the learned court below, whichever is earlier.

Within that period, the learned court below will decide on its first consideration of the interim application whether an interim order should be passed extending this order or whether it should be vacated or modified, taking into account the submission made by the respondents.

All points are kept open before the learned court below.

Our observations are to be taken as prima facie.

The appeal and the connected application are disposed of.

(Biswaroop Chowdhury,J.) (I. P. Mukerji,J.)