

25.04.2023
KC(8)

F.M.A.T. 19 of 2023
Amal Basu @ Amal Krishna Basu
-versus-
Milon Kumar Dey and Ors.
With
CAN 1 of 2023

Mr. Gopal Chandra Ghosh,
Mr. Rajkrishan Mondal.....For the appellant.

Mr. Suddhadev Adak,
Ms. Arpita Mondal Adak.....For the respondents.

We are in a position to dispose of this appeal,
dispensing with all formalities.

It is submitted that the injunction application
under Order XLI Rule 1 and 2 of the Code of Civil
Procedure is ready for hearing after filing of affidavits.

We direct the learned court below to dispose of it
along with the miscellaneous application under Order
XLI Rule 2A of the Code pending before it as early as
possible preferably within a period of three months from
the date of communication of this order.

The interim orders passed by the learned court
below on 31st March, 2021 and 23rd December, 2022,
with the clarification that the respondents shall not
make any new construction over the suit property and
any construction made after the order dated 31st March,
2021 would abide by the result of the injunction
application or the decree to be passed in the suit shall

continue. Subject to the above the respondents would be permitted to do floor and plastering work, make construction of stair case, erect windows and do wall painting work in the portion occupied by them in the suit premises subject to supervision of the learned court below through a Special Officer/Commissioner.

All other points are kept open before the learned court.

The appeal (F.M.A.T. 19 of 2023) and the connected application (CAN 1 of 2023) are disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)