

28.02.2023
KC(9)

F.M.A.T. 64 of 2023
MPJ Jewellers (GB) Private Limited
-versus-
Ajit Kumar Sen and Ors.
With
CAN 1 of 2023

Mr. Abhrajit Mitra, Sr. Adv.,
Mr. Soumavo Ghosh,
Mr. Aritra Basu,
Mr. Raja Baliyal,
Mr. R. Ganguly.....For the appellant.

Mr. Arijit Bardhan,
Mr. Rishobe Dutta Gupta.....For the respondents.

The impugned order was made by the learned court below on 9th February, 2023. It was on an application moved ex parte. The court refused to pass an interim order restraining the respondents/defendants from interfering with the possession of the appellant/plaintiff.

The appellant/plaintiff claims to be the purchaser of 53/108 undivided share in the subject premises. There is no dispute between learned counsel that the appellant/plaintiff is in possession of the area comprising schedule 'B' to the stay petition and is being allowed free egress and ingress.

We are of the view that the interim application should be heard out by the learned court below in the

presence of the parties within three months of communication of this order.

We order accordingly.

Till disposal of the said application by the learned court below the parties shall maintain status quo with regard to the above possession of a part of the subject premises by the appellant/plaintiff and entry and exit or egress or ingress therefrom subject to any further order or orders that may be passed by the learned court below.

All points are kept open before the learned court below. We clarify that all our observations are prima facie and this order is interim in nature.

Dispensing with all formalities the appeal and the application were heard out and are disposed of by this order.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)