

13 12.04.2023
RP Ct. No. 01
AN

MAT 429 of 2023
With
IA No. CAN 1 of 2023
Somnath Ghosal & Anr.
Vs.
Arabinda Nath Jati & Ors.

Mr. M.P. Gupta
Mr. Dilip Kumar Saila

... For the Appellant

1. This intra-Court appeal has been filed against the order dated 24th February, 2023 passed in WPA 4013 of 2023 and the appellant is aggrieved by that portion of the order by which the learned writ Court restrained the appellant from operating/working/using the disputed lift in any manner till March 31, 2023 or until further order, whichever is earlier.

2. We are informed that the writ petition has been directed to be listed on 17th April, 2023. It is submitted by the learned advocate appearing for the appellant that the lift has been used for more than 12 years and on account of this interim order grave prejudice has been put to the occupants of the building since the matter has already been directed to be listed on 17th April, 2023.

3. We are not inclined to interfere with the order passed by the learned Single bench. However, we grant liberty to the appellant to raise all contentions when the matter is heard on 17th April, 2023.

4. With the above observations, the appeal stands **disposed of**. Consequently, the connected application also stands disposed of.

(T. S. Sivagnanam)
Acting Chief Justice

(Hiranmay Bhattacharyya, J.)