

July 13, 2023
Sl. No.6
Court No.19
s.biswas

CO 1098 of 2023

Tapan Naskar
vs.
Chittaranjan Naskar and others

Mr. Arnab Roy
Mr. Soumyadeep Mukherjee
Ms. Debamita Mukherjee

... for the petitioner

Affidavit of service filed by the petitioner is taken on record. Despite service, none appears on behalf of the opposite party no.1.

By an order dated May 19, 2023, a Co-ordinate Bench of this court directed that parties should maintain status quo with regard to the suit property, namely, the common passage, till the last week of June, 2023.

Today, the matter is appearing in the list for extension of interim order. This court has been informed that the Misc Appeal No.31 of 2023 has been fixed for hearing on August 31, 2023.

Thus, this court is of the view that instead of extending the interim order and keeping the revisional application pending, justice would be subserved, if the learned lower appellate court is directed to dispose of the Misc Appeal No.31 of 2023 within two months from the next date fixed, upon giving adequate opportunity to the parties to file their objections and contest the proceeding.

The status quo shall be maintained in respect of the common passage, for a period of two months or until further orders, in the Misc. Appeal, whichever is earlier.

The revisional application is thus disposed of.

All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)