

19.05.2023
KC(6&7)

F.M.A.T. 158 of 2023
Sujata Chakraborty and Anr.
-versus-
Maya Chakraborty and Anr.
With
CAN 1 of 2023
With
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Sujata Chakraborty and Anr.
-versus-
Maya Chakraborty and Anr.
With
CAN 1 of 2023

Mr. Chayan Gupta,
Mr. Sayantan Chatterjee,
Mr. Sumit Biswas,
Mr. Rajarshee Bhowmick.....For the appellants.

Mr. Hareram Singh,
Ms. Shilpa Das.....For the respondents.

Dispensing with all formalities we take up these
appeals along with the connected applications.

As far as the order of the learned court below in
the application of the appellants/plaintiffs for
appointment of a receiver under Order 40 Rule 1 of the
Civil Procedure Code, we see no reason to interfere with
it. The learned judge may consider the question on the
returnable date in the presence of the respondents/
defendants.

With regard to the other part of the order refusing
grant of an injunction restraining the respondents/
defendants from transferring the suit property we are of
the view that the subject matter of the suit is declaration of
the share of the parties together with rival claims for

possession of parts of the property. If during pendency of the suit one party transfers his share the adjudication of the suit might become more difficult than it is now.

In those circumstances, we direct that the respondents shall not transfer any part of the property described in schedule 'A' of the plaint in favour of any third party without obtaining the express leave of the learned court below.

The impugned judgment and order dated 28th March, 2023 is superseded by this order. The hearing of the application may continue. All points are kept open before the learned court below.

The appeals and the connected applications are disposed of.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)