

02.05.2023
SL No.5
Court No.8
(gc)

**FMAT 191 of 2023
CAN 1 of 2023**

**Smt. Chandana Saha & Anr.
Vs.
Sri Ashok Kumar Roy & Ors.**

Mr. Biswaroop Bhattacharyya,
Mr. Arya Bhattacharyya,
Mr. Snehasish Dey,
Ms. S. Bose,

...for the Appellants.

This appeal is arising out of an order dated 5th April, 2023 restraining the appellants/defendants and their men and agent from obstructing modification work being carried out by the respondents/plaintiffs. The matter is made returnable on 4th May, 2023.

We do not find any reason to interfere with the order passed by the learned Trial Judge at this stage.

It would be open for the appellants/defendants to apply for variation of this order before the learned Trial Judge upon notice to the respondents/plaintiffs.

It is needless to mention that in the event the interim order is extended, it should be a reasoned order and upon hearing the appellants/defendants.

Accordingly, the appeal and the application stand disposed of.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)