

Item-19. 10-01-2023

FMAT 466 of 2016
CAN 1 of 2016 (old CAN 9191 of 2016)

sg Ct. 8

Asraf Ali & Ors.
Versus
Mahiruddin Ahmed & Ors.

Mr. Tapas Kr. Bhattacharya, Adv.
Mr. Aviroop Bhattacharya, Adv.
Mr. Bishnu Prosad Singha Roy, Adv.
...for the appellants

The order under challenge is dated 18th September, 2014.
The said order was passed in connection with an application under
Order 39 Rule 1 and 2 read with Section 151 of the Code of Civil
Procedure.

We feel that the trial court has applied the correct principle
of law. In a suit for partition, any alteration of the nature,
character and possession of the property may cause irreparably
loss and injury by the time the suit is decided.

We do not find any reason to interfere with the order passed
on 18th September, 2014.

The status report filed by the learned Civil Judge (Senior
Division), Jalpaiguri shows that the suit is till pending.

We request the learned Trial Court to dispose of the
applications under Order 1 Rule 10(2) and Order 22 Rule 4 of the
Code of Civil Procedure at the earliest and dispose of the said
applications without granting any further adjournments to either of
the parties.

We also request the learned Trial Court to dispose of the
suit, unless it has already been disposed of, as expeditiously as
possible and preferably within a period of eight months from the

date of communication of this order.

Mr. Tapas Kumer Bhattacharya learned Counsel for the appellants submits that some of the parties are agreeable to have an amicable partition.

If any such application is made, we would request the learned Civil Judge (Senior Division), Jalpaiguri to consider such prayer in accordance with law.

We direct the learned Registrar Administration (L&OM) to communicate this order to the learned Civil Judge (Senior Division), Jalpaiguri within one week from date.

The appeal and the application accordingly, stand disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)