

18.01.2023
Court No.13
Item No.438
pk

WPA 13243 of 2021

**Amrul Biswas and another
Vs.
The State of West Bengal & Ors.**

Ms. Manali Biswas

... for the Petitioners.

Mr. Partha Pratim Roy,
Mr. D. Banerjee

... for the respondent nos. 10 and 11.

The petitioners and the private respondents are co-sharers of a property. In this regard, Partition Suit No. 141 of 2015 and Partition Suit No. 142 of 2015 are now pending before the learned Civil Judge (Senior Division), Second Court at Berhampore. There are orders of injunction passed by the court below against the plaintiff and one of the defendants. The other defendants claim that the order of status quo does not bind them.

It is curious to note that in partition suits an order of status quo is passed in respect of one person.

In those circumstances, there shall be status quo in respect of the entire property against all parties until passing of the preliminary decree by the Court below in the two partition suits being Partition Suit No. 141 of 2015 and Partition Suit No. 142 of 2015.

The O. C., Sargarpara Police Station, Murshidabad shall ensure that there is no breach of peace in the area and that the order of status quo is strictly enforced. No party to the said suits shall be allowed to dispossess the other.

Status quo order shall, however, abide by any preliminary and final decree that may be passed in the said suits.

The writ petition is disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)