

24.01.2023
KC(2)

F.M.A. 1142 of 2021
Manika Banerjee
-versus-
Satyajit Pal and Anr.
With
CAN 1 of 2021

Mr. Saptangshu Basu, Sr. Adv.,
Mr. Ayan Banerjee,
Ms. Debasree Dhamali.....For the appellant.

Mr. Anirban Bose,
Mr. Satyajit Senapati.....For the respondents.

The appellant/plaintiff instituted a suit in the learned court below for a declaration that sale of the subject property by her in favour of the respondent no. 1 defendant/purchaser was void. The interim order of injunction sought by the appellant/plaintiff restraining transfer of the property by the respondent/defendant purchaser was refused.

Hence, this appeal.

We have considered the prima facie case of the parties and the balance of convenience. The respondent/defendant purchaser claim title to and possession of the said property through a conveyance executed by the appellant/plaintiff and is in possession thereof. Construction is complete, as submitted.

Considering all these facts we dispose of this appeal (F.M.A. 1142 of 2021) and the connected

application (CAN 1 of 2021) after dispensing with all formalities by the following order:

(1) We request the learned court below to try and determine the suit by 31st December, 2023. Either of the parties may approach the court for suitable directions regarding expeditious filing of written statement, discovery of documents, inspection thereof etc. so as to make the suit ready for hearing as early as possible.

(2) Any transfer, creation of encumbrance or change of possession with regard to the said property or any other dealing with regard to it shall abide by the result of the suit.

(3) The gist of this order shall be mentioned in a signboard to be put up in a conspicuous part of the subject property. If any conveyance is executed with regard to the same, the purchaser shall declare therein that he/she is aware of any notice concerning the property.

(I.P. MUKERJI, J.)

(BISWAROOP CHOWDHURY, J.)

