

17.08.2023
Court No.19
Item No.20
AP

CO 1839 of 2023

**Kaushik Roy and Anr.
Vs.
Smt. Chandana Podder**

Mr. Dhananjoy Banerjee
Mr. Shubham Gupta
Mr. Md. Shamimuddin
Mr. R. Shaw

... For the Petitioner.

Mr. Anjan Banerjee
Mr. Sourav Paul
Mr. Saikat Ganguly

... For the Opposite Party.

The petitioners shall be at liberty to file objection to the application for injunction filed by the opposite party in Title Suit No.762 of 2023 giving details of the Title Suit No.611 of 2023 in which an order of injunction was passed in favour of the petitioners restraining the plaintiff in Title Suit No.762 of 2023 from disturbing the peaceful possession of the petitioners.

Such objection shall be filed within seven days from the date of communication of this order. The opposite party shall file a reply, if so advised, within seven days thereafter.

The application for temporary injunction shall be disposed of in its final form within ten days from the next date fixed.

As the petitioners are sufficiently protected by an earlier order of injunction, the apprehension of the petitioners that the plaintiff in Title Suit No.762 of 2023 may break open the padlock and enter into the suit

premises, appears to be prima facie unfounded. An order of status quo means that the present position in the suit premises shall be maintained and the Court has already found in the earlier suit filed by the petitioners that they were in possession and an injunction was also granted.

Hence, this Court does not find any necessity to interfere with the order impugned. All the points raised shall be decided while disposing of the application.

Accordingly, CO 1839 of 2023 is disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)