

1 13.1.2023

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**F.M.A. 1039 of 2022
With
CAN 1 of 2022**

**Janhit Vinijya Private Limited
Vs.
Smt. Kamala Naskar and Ors.**

Mr. Sudhir Kumar Senapati	 For the Appellant.
Mr. Devajyoti Barman Ms. Sanjukta Basu Mallick	 For the Respondent no. 4.
Mr. Jaydip Kar, Sr. Advocate Mr. Sayak Ranjan Ganguly	... For the Respondent nos. 1 and 2.

Re: CAN 1 of 2022

We formally admit the appeal.

We have heard learned counsel for the parties.

We are of the view that justice to the case could be done if we direct expeditious disposal of the application under Order 39, Rule 1 of the Civil Procedure Code of the appellant/plaintiff and the suit.

Since affidavits have been exchanged, the Order 39, Rule 1 application may be disposed of within eight weeks from the date of communication of this order.

S.D.

The suit may be decreed by 31st March, 2024.

We order accordingly.

We justify our above order by observing that there is a serious question to be decided with regard to

the title and contractual rights concerning the subject property. The appellant/plaintiff claims that the respondent no. 4 as the constituted attorney of the respondent nos. 1, 2 and 3 has transferred the property to it.

Mr. Joydeep Kar, learned senior advocate appearing for the said respondent nos. 1, 2 and 3 states that his clients' contract with the respondent/defendant no. 4 as the developer/constituted attorney has long been cancelled and that the appellant/plaintiff has derived no title from any alleged transaction with the respondent no. 4.

We direct that any disposition or dealing with the above property after filing of the suit would abide by the result of the injunction application or the decree to be passed in the suit.

The appeal (FMA 1039 of 2022) and the connected application (CAN 1 of 2022) are disposed of.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

