

Item No. 26
17.08.2023
Court. No. 19
GB

C.O. 2261 of 2023

Sri Sujit Kumar Mitra & Anr.
Vs.
Aditya Birla Housing Finance Limited & Anr.

Mr. Pijush Choturbedi,
Mr. Animesh Paul,
Ms. Marie Kundu

...for the Petitioners.

Ms. Niharika Singh

...for the Opposite Parties.

The petitioners have made out a prima facie case. Whether the learned Additional District Judge, Fast Track 1st Court at Howrah could stay the ad interim order of injunction passed in Title Suit No.370 of 2021, which would amount to allowing the main relief in the appeal.

This Court is of the view that the proper course of action for the learned lower appellate court would be to dispose of the appeal in its final form upon allowing the parties to contest the Misc. Appeal No.121 of 2021.

Under such circumstances, status quo be maintained in respect of the property in question till the misc. appeal is disposed of. It is mandatorily directed that the misc. appeal shall be disposed of within a month from the next date fixed.

Opposite parties shall file their objection in the meantime.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)