

02.02.2023
Item No.13
Ct. No.7
CHC
(disposed of)

C.O. 2836 of 2022

Sri Amit Kumar Roy & ors.
Vs.
Abdul Mannan Molla, since deceased his legal
heirs Sahiluddin Ahmed & ors.

Ms. Sudeshna Basu Thakur
...for the petitioners

Mr. Susenjit Banik,
Mr. Lutful Haque
...for the opposite parties

Subject-matter of challenge in this case is against the refusal of an interim stay in Misc. Appeal No.268 of 2022, wherein, the order granting ad interim injunction was under challenge.

Mr. Banik, learned advocate appearing for the opposite parties submits that the issue involved in this case may be best addressed in the pending appeal.

As per submission disclosed by the learned advocate representing the contesting respondents in the appeal, that the appeal is ready for hearing. He is fair in his submission that in the pending appeal, learned advocate is representing all other contesting respondents, impleaded in the pending appeal. When the appeal is pending, and submitted to have been

matured for hearing, this Court is of the view that the revisional application may be disposed of directing both the parties to maintain *status quo* in respect of the suit property till the disposal of the appeal (Misc. Case No.268 of 2022), of learned District Judge, South 24 Parganas, Alipore.

The appeal court, is, however, requested to put his sincerest endeavour to dispose of the appeal, subject to the suitability and convenience of the court below, providing sufficient opportunity of hearing to either of the parties to this case, but without granting unnecessary adjournment, preferably before the end of summer vacation of the court below for the year 2023.

This revisional application is disposed of without entering into the merits of the case and also without prejudice to the rights and contentions of the parties.

With this observation/direction, the revisional application stands disposed of.

Parties are directed to make communication of this order to the learned court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)