

27.02.2023

Sl.No. 10
Ct.No.3
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMAT 461 of 2022
With
CAN 1 of 2022

Sreyashi Ray
VS
Ranajay Ray

Mr. Rahul Karmakar
Mr. Soumajit Majumdar
Mr. Sounak Mukherjee
Ms. Shyantee Datta

...for the appellant

Mr. Shohini Chakraborty
Ms. Prajaaini Das

...for the respondent

Re: CAN 1 of 2022

We propose to hear out the appeal
dispensing with all formalities.

The impugned judgment and order is of 26th
September, 2022.

The appeal and the stay/ injunction
application have come up for consideration
before us today. It is against an order refusing
to grant an interim injunction to the
appellant/defendant.

The appellant/ defendant made an
application before the learned court below for an
order of injunction restraining the respondent/

plaintiff from preventing her entry into the subject premises.

We have been told that the application in the learned court below is ready for hearing. It is to be heard along with other interim applications.

It is a partition and administration suit where admittedly the appellant has an ascertained share.

However, Mrs. Chakraborty, learned advocate for the respondent submits that the appellant has been permanently residing in Bangalore and has no use for the subject premises.

On the other hand, Mr. Karmakar, learned advocate for the appellant submits that periodically his client comes to Kolkata, has no place to live here and stays in a hotel.

As an interim measure, we direct the following:

- a. Whenever the appellant wishes to stay in Kolkata she shall at least 48 hours before her arrival inform the appellant as well as the OC of the local police station, Garfa, Kolkata.
- b. On her arrival, the OC will himself or through an officer deputed by him ascertain the length exact timings and

details of her stay in the subject premises.

- c. This shall be communicated by the police to the respondent.
- d. On her arrival any officer of Garfa police station shall in the presence of the respondent allow the appellant entry in to the premises, identify the room where her belongings are kept and allow her to stay in that room during the duration of the stay.
- e. The police in dialogue with the parties shall ensure that the atmosphere is as amicable as possible and that peace be maintained from the time of entry of the appellant till the time of her departure.

The above directions shall be valid till 30th April, 2023.

All paraphernalias to implement this order shall be worked out by the police in consultation with the parties.

In the meantime, the said interim application along with the other applications is to be heard out by the learned court below upon hearing the parties and by a reasoned order.

All points are kept open before the learned court below.

Our observations are to be taken as prima facie.

The appeal and connected application are disposed of.

(Biswaroop Chowdhury,J.) (I. P. Mukerji,J.)