

15 16.1.2023

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

**F.M.A.T(ARBAWARD). 68 of 2022
With
CAN 1 of 2022**

Md. Jalauddin Ansari

Vs.

Mohammad Umar Alias Sahansa and Ors.

Mr. Tapas Mukherjee

Mr. A Hossain For the Appellant.

Mr. Lal Mohon Basu For the Respondent nos. 1, 2 and 4.

In Re: CAN 1 of 2022

In a suit for specific performance of a contract for sale of immovable property, it is alleged that the agreement for sale relied upon is unregistered and unstamped.

However, learned counsel for the appellant argues that Rs.74.50 lakhs have been paid by his client towards consideration. An ad interim order of injunction was sought by the appellant/plaintiff against the respondent/defendant restraining alienation of the subject property which was refused by the learned court below.

We are of the view that the interest of justice would be subserved if the suit is expedited so that it is decreed by 31st March, 2024. Within two weeks from date either of the parties shall make an application before the learned judge of the court below for seeking suitable

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directions, time lines for filing of written statement, discovery of documents, inspection etc. so that the suit can be disposed of during the aforesaid period.

Till the suit is decreed or until further order of the learned court below, whichever is earlier the respondents/defendants shall not transfer, alienate, encumber or otherwise deal with the property.

The appeal FMAT 68 of 2022 and the connected application CAN 1 of 2022 are disposed of after dispensing with all formalities.

(I.P. Mukerji, J.)

(Biswaroop Chowdhury, J.)

