

D/L.8.
July 19, 2024.
MNS.

FMA No. 4355 of 2016

Geeta Hatui
Vs.
Sri Ashoke Mondal and others

1. The parties are not represented today.
2. The appeal is directed against order dated 14th January, 2015 passed by the learned Civil Judge (Senior Division), 1st Court at Howrah in T.S. No. 65 of 2013.
3. By the impugned order, the court below has declined to grant injunction to restrain the defendant no. 1 in the suit from further alienating the property under Order 39 Rules 1 and 2 of the Code of Civil Procedure.
4. It appears from the impugned order that the plaintiff has never expressed any apprehension that she will be dispossessed from her share of the property.
5. The plaintiff has therefore not been able to establish the basic requirement of Order 39 Rules 1 and 2 of the Code of Civil Procedure.
6. In those circumstances, this Court cannot find any fault with the impugned order. The parties may have their mutual rights in respect of the property decided in the suit in accordance with law, if not already done and if the title suit is still pending.

7. FMA No. 4355 of 2016 stands dismissed.
8. Interim order, if any, shall stand vacated.
9. L.C.R., if any, be returned to the Court below.
10. The parties and/or Registry of this Court shall communicate a copy of this order to the Court below for information.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)