

07.10.2024
(D/L-9)
Ct. No.4
(Naba)

F.M.A.T. 168 of 2024

**Sri Sanat Pal & Ors.
Vs.
Smt. Manju Chirania alias Manju Agarwal & Anr.**

Mr. Ayan Banerjee,
Ms. Tanusri Sur (Aich)
... for the Appellants.

Mr. Aniruddha Chatterjee,
Mr. Amiya Kumar Patra,
Mr. Abirlal Chakravorti,
Mr. Tuhin Subhra Patra.
... for the Respondents.

1. The parties have been heard.
2. The grievance of the appellant is that the Trial Court while passing the interim order of injunction dated 05.04.2024 has enlarged the scope of the restrain order beyond the claim as per the plaint.
3. Even though the plaintiffs claim in the proposed construction is limited to the extent specified in the schedule of the plaint, which is denied and disputed by the appellants/defendants, the Trial Court has passed interim injunction restraining the defendants from transferring or disposing of all the flats in the proposed construction.
4. The learned counsel for the respondents has appeared and has pointed out that the

respondents' claim in the proposed construction is to the extent of 1095 sq. ft.

5. In view of the submissions noted above, and since the claim of the respondents is limited to the super built up area of 1095 sq. ft., we direct that the order of injunction dated 05.04.2024 shall be operative insofar as 1095 sq. ft. in the proposed construction is concerned. The appellant shall be required to make provision for handing over 1095 square feet out of the proposed construction being the suit property.
6. The order of interim injunction dated 05.04.2024 passed by the Court of learned Judge, X Bench, City Civil Court at Calcutta in Title Suit No. 1717 of 2019 stands modified to this extent.
7. In view of the order passed as above, the parties are ad idem that nothing survives in the appeal.
8. Accordingly, the appeal and application stands disposed of.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)