

19.09.2024
Court No.13
Item No. 29
sp

FMA 1324 of 2010
Rina Das
Vs.
Samir Kumar Saha

Mr. Naba Kumar Das,
Ms. Samarpita Mukherjee

..for the appellant

Mr. Debjit Mukherjee,
Mr. Dyutimay Paul,
Mr. Arindam Ganguly

...for the respondent no. 1

Mr. Amitava Mitra,
Ms. Sonia Nandy

..for the respondent bank

1. The appeal is directed against the order No. 28 dated 13th August, 2010 passed by the learned Civil Judge (Senior Division), 2nd Court at Krishnagar, Nadia in T.S. No. 16 of 2008 rejecting the prayer under Order 39 Rule 1 and 2 of the Code of Civil Procedure.

2. The suit is for mandatory and permanent injunction in respect of a property. On 27th September, 2012, a Co-ordinate bench of this Court had directed status quo to be maintained in respect of the suit property during the pendency of the appeal.

3. Having regard to the facts and circumstances of the case, this Court is of the view that the order of status quo in respect of the suit property passed by this Court on 27th September, 2012, shall continue until disposal of the suit in the Court below.

4. Violation of the order of status quo of this Court shall be treated as violation of the order of status quo of the Court below.

5. Subsequent events, if any, to seek variation of the order of status quo or for other orders may be made before the Trial Court.

6. It is directed that the suit to be decided expeditiously. Let written statement be filed by the defendant within a period of 6 weeks from date, if not already filed. Inspection and discovery forthwith.

7. With the aforesaid observations, FMA 1324 of 2010 shall stand disposed of.

8. Consequentially, all connected applications shall stand disposed of.

9. There shall be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)