

16.08.2024  
Court No.1  
Item No.55  
pk/AP

**HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**FMAT 31 of 2023  
With  
CAN 1 of 2023**

**Md. Azizul Haque Khandakar  
Vs.  
Kh. Md. Monirul Haque**

Mr. Bikramaditya Ghosh  
Mr. Bhaskar Roy Mahasaya  
Ms. Supriya Singh

... For the Appellant.

Mr. Momenur Rahman  
Mr. Bikash Singha

... For the Respondent Nos.45 & 46.

1. Affidavit of service filed in Court today is taken on record.
2. The appellant is directed to remove the defects as pointed by the Additional Stamp Reporter in his report dated 13.12.2023.
3. The appeal is directed against an order dated 22<sup>nd</sup> September, 2023 passed by the learned Civil Judge (Senior Division), Cooch Behar refusing injunction under Order 39 Rule 1 & 2 of the Code of Civil Procedure.
4. Admittedly, the suit is for partition amongst the family members.
5. An order of injunction is passed as a matter of course in a partition and administration suit.

6. After the appeal was admitted, a Coordinate Bench on 31<sup>st</sup> January, 2024 has ordered status quo in respect of the suit property.

7. This Court is of the view that the interest of justice would be served if the order of status quo is directed to be continued until disposal of the injunction application by the Court below.

8. It is directed that the Court below hears out the injunction application within a period of one month from the date of receipt of a copy of this order.

9. Hence, FMAT 31 of 2023 shall stand disposed of.

10. In view of the disposal of FMAT 31 of 2023, connected pending applications, if any, shall also stand disposed of.

11. Registry shall communicate a copy of this order to the Court below.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**

**(Ajay Kumar Gupta, J.)**