

11.09.2025
SL No.14
Court No.16
(gc)

**FMA 334 of 2025
CAN 1 of 2025**

**Dridhaya Farms Pvt. Ltd. & Anr.
Vs.
Happy Towers Pvt. Ltd. & Ors.**

Mr. Saptanshu Basu, Sr. Adv.,
Mr. Gopal Pahari,
Ms. Piyali Kulavi
...for the Appellants.

Mr. Tridib Bose,
Mr. Debjyoti Saha
...for the Respondent Nos.1 to 4.

1. We have heard the learned Counsel for the parties. The Coordinate Bench has passed a detailed order after hearing the learned Counsel for the parties on 19th May, 2025. In course of hearing, it appears to us that either of the parties has to establish title of the transferor at the time when the alleged deed of transfer was executed. Till such time, it is essential that the interim order passed by the Coordinate Bench should continue.
2. In view thereof, we confirm the order dated 19th May, 2025 and the interim order shall continue till the disposal of the suit.
3. In view of this order, the application under Order 39 Rule 1 & 2 is also disposed of.

4. We request the learned Trial Court to pass peremptory directions with regard to the procedural matters in order to make the said suit ready for hearing and proceed with the trial as expeditiously as possible.
5. The defendant nos.1 to 4 shall file their written statement on or before 15th November, 2025. Since other defendants are not represented, appropriate directions are required to be passed by the learned Trial Court with regard to filing of written statement.
6. Accordingly, the appeal and the application are disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)