

Dd 11 18.08.2025

CPAN/399/2025
(In Title Suit No TS 36/2024)
TAPAS SAMANTA
VS
SRI PARTHA SARATHI SINHA & ORS.
IA NO: CAN/1/2025

Mr. Romit Dutta,
Ms. Sanjukta Samanta, Advocate
... .. For the Petitioner

Mr. Indrajeet Dasgupta,
Mr. Gourab Maiti, Advocates
... ..For the Respondent Nos. 5 to 8

1. CAN 1 of 2025 is an application for restoration of CPAN/399/2025 which was dismissed for default on May 5, 2025.
2. For the ends of justice causes shown in the application for restoration are accepted as sufficient. CPAN/399/2025 is restored to its file and number. CAN 1 of 2025 is **allowed**.
3. Petitioner complains of violation of Order No. 2 dated February 1, 2024 passed in Title Suit No. 36 of 2024.
4. Alleged contemnor Nos. 5 to 8 are represented.
5. Order dated February 1, 2024 is an ad interim order of injunction directing the parties to the suit to maintain status quo in respect of the nature, character and possession of the suit property in a suit for partition.
6. Injunction order is yet to attain finality.
7. Moreover, the suit is one of partition. Status quo with regard to the immovable property concerned as amongst to the parties to the suit is yet to be

defined by the Court passing the order of status quo.

8. The order of status quo as obtaining is incapable of being made certain for its enforcement.
9. In such circumstances, we do not find any ground to interfere either under Section 215 of the Constitution of India or Contempt of Courts Act, 1971.
10. CPAN/399/2025 is accordingly **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)