

D/L.26.
June 10, 2025.
MNS.

FMAT No. 151 of 2025
+
CAN 1 of 2025

Anil Chandra Sharma
Vs.
Mr. Satish Chandra Sharma

Mr. Aditya Mondal,
Mr. Samrat Mondal

... for the appellant.

Mr. Sandipto Bose,
Ms. Anchita Sarkar

...for the respondent.

1. The present appeal has been preferred against an order dated April 2, 2025, whereby an injunction has been granted freezing the bank accounts in respect of the estate of the deceased owner of the subject property in connection with a testamentary proceeding for issuance of Letters of Administration.
2. Learned counsel for the appellant argues that although an order of injunction, including freezing of bank accounts, was first passed in ad interim form on June 26, 2024, wherein a direction was contained for the plaintiff to comply with the provisions of order XXXIX Rules 3(a) and (b) of the Code of Civil Procedure, the said provisions were not complied with by depositing the requisites in time by the plaintiff/respondent.

3. It is thus submitted that the court acted beyond its jurisdiction in virtually re-imposing the self-same injunction by the present impugned order without there being any extension of the original ad interim order in the meantime.
4. It is also sought to be argued that by the initial order dated June 26, 2024, ad interim injunction was granted for a limited period and it should be construed that the order expired on the next returnable date.
5. However, we are unable to agree with such submissions.
6. Apart from the fact that the parent order dated June 26, 2024 has not been challenged by the appellant, thereby letting it attain finality, we also find from the order itself that the ad interim order was passed without any temporal restriction. The language in which the order is couched indicates that the ad interim injunction was passed in terms of the prayers made in the injunction application itself and thus operated till disposal of the injunction application.
7. Thus, there arises no question of further extension and the order dated April 2 of 2025 is merely a reiteration of the parent order dated June 26, 2024, which has not been challenged.
8. Insofar as the alleged non-compliance of Order XXXIX Rules 3(a) and (b) of the Code of Civil

Procedure is concerned, we are not equipped enough, as an appellate court, to enter into such question, simply because we are not posted with sufficient materials. It will only be borne out from the trial court's records as to whether such compliance was actually done or not. Thus, as a ground of an appeal, the said contention of the appellant is at best illusory insofar as the appellate court is concerned. If any grievance in that regard was to be made, the appropriate forum would be the trial court itself and not the appellate court.

9. Be that as it may, instead of prolonging the agony of the parties further due to pendency of litigation, we direct the appellant to file his written objection to the main temporary injunction application pending in the court of first instance within June 13, 2025.
10. Since we are apprised by learned counsel for the respondent that the next date fixed for hearing of the injunction application in the Trial Court is June 18, 2025, we hope and trust that the hearing of the injunction application shall be concluded on the said date and final orders would be passed thereon latest within June 25, 2025.
11. FMAT No. 151 of 2025 is thus disposed of without interfering with the impugned order but in the light of the above observations, making it abundantly clear that we have not entered into the merits of the

contentions of either of the parties in the injunction application as well as in the suit.

12. CAN 1 of 2025 is consequentially disposed of as well.

13. There will be no order as to costs.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)