

AD-07
Ct No.10
26.09.2025
TN

CO 1322 of 2024

Sarajit Jana
Vs.
Smt. Alpana Jana and others

Mr. Subhasish Panchhal

....for the petitioner

1. Receipt of service of notice, filed today, be kept on record.
2. Despite service, none appears for the caveators/opposite parties.
3. The present revisional application has been preferred by the defendant in a partition suit against an order whereby status quo was granted in respect of both parties regarding the nature, character and possession of the suit property.
4. The nature of the grievance of the petitioner, as ventilated before this Court, is that the petitioner had almost completed the construction of his dwelling house on the suit property and since only the finishing touches were left when the status quo order was passed, the petitioner is suffering grave hardship.
5. The impugned order of status quo is in the nature of an order under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure and, as such, is appealable.

Thus, the present application under Article 227 of the Constitution of India is not entertained.

6. Accordingly, CO 1322 of 2024 is dismissed as not maintainable granting, however, liberty to the petitioner to take out an appropriate application under Order XXXIX Rule 4 of the Code of Civil Procedure pleading his hardship and/or file a proper challenge by way of an appeal against the impugned order, subject, of course, to limitation.
7. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)