

20
16.9.2025
Ct. No. 1
SB

FMA 862 of 2025
CAN1 of 2025 (Injunction)

Sangita Jaiswal & Anr.
Vs.
Sankar Prasad Jaiswal

Mr. M.P. Gupta
Ms. Moumita Dhar
Ms. Ahana C. Routh
Ms. Ritika Ghosh
Mr. Subham Banik ... for the appellants

Mr. Anshunath Chakraborty .. for the Respondent

1. It is submitted on behalf of the appellants that the father of the plaintiff no. 1 was the owner of the suit property on 29.11.1963 and the alleged deed of trust dated 19.8.1972 has no value. The plaintiff is the daughter of Mr. Durga Prasad Jaiswal who executed a registered Will in favour of the plaintiffs / appellants on 28.5.2004. However, the probate petition was dismissed against which an appeal was preferred being FAT 53 of 2017. The said appeal is still pending. The plaintiffs alleged that the defendants are trying to alienate the suit property and raised construction in the suit property. It is further alleged that by virtue of a deed of indenture dated 19.8.1972 the defendants are trying to oust the plaintiffs from the possession. As recorded earlier in our order dated 25.8.2025 we had come across the documents and records suggested that the plaintiff is in possession of the suit property.
2. The relationship between the parties is sister and brother. The sister is a beneficiary and it is under challenge before the

appellate court after the grant of probate was refused. In this proceeding appellant has produced the trade licence wherefrom it appears that she is carrying on business from the said premises.

3. It is on such consideration, the defendants are restrained from interfering with the possession of the plaintiff in the suit property till the disposal of the suit or till any adjudication as of the possessory right of the plaintiff and decided in any other proceeding whichever is earlier.
4. In view of nature of the dispute and the relationship of the parties, we direct the learned Trial Court to send the matter to mediation. The parties and the learned advocates representing the parties shall appear before the learned Mediator each and every date and shall make all endeavour to resolve the dispute amicably.
5. With these observations, the appeal and the application are disposed of.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J)