

Dd 27 25.08.2025

MAT/720/2025
SYED NAFISA BIBI AND ORS.
VS
SYEDA BOBI BIBI AND ORS.
IA NO: CAN/1/2025, CAN/2/2025

Mr. Habibur Rahaman,
Mr. Kapil Guha, Advocates
... .. For the Appellants

Mr. Saptansu Basu, Sr. Adv.
Mr. S. M. Hassan,
Ms. Anupama Yasmin, Advocates
.. ...For the respondent nos. 1 & 2

Mr. Suman Ghosh,
Mr. Sankha Prasad Roy, Advocates
.. ...For the State

1. CAN 2 of 2025 is an application for condonation of delay. For the ends of justice the causes shown in the application for condonation of delay are accepted as sufficient. Delay in making and filing the application is condoned. CAN 2 of 2025 is allowed.
2. Appeal is directed against an order dated March 11, 2025 passed in WPA 27581 of 2024.
3. Appeal is at the behest of the private respondents in the writ petition.
4. Learned advocate appearing for the appellants submits that, the order of the Civil Court dated November 23, 2022 passed in Title Suit No. 394 of 2016 is erroneous. He submits that, learned trial Court erred in directing police assistance to restore possession. Initially, no such order of injunction restraining possession was passed in the civil suit. He submits that, the suit is for partition. One of the

parties to the suit for partition expired. Restitution application is yet to be decided.

5. Learned advocate appearing for the appellants submits that, initially, the appellants filed a revisional application under Article 227 of the Constitution of India before the High Court directed against the order dated November 23, 2022 which was dismissed by holding that the order dated November 23, 2022 was appealable. Consequently, appellants filed an appeal accompanied by an application under Section 5 of the Limitation Act, 1963. The application under Section 5 of the Limitation Act, 1963 was dismissed by the first appeal Court. Aggrieved by such order of dismissal, the appellants filed a second appeal before the High Court which is still pending.
6. State and the private respondents are represented.
7. It appears that there is a civil suit pending between the private parties. There subsists an order dated November 23, 2022 passed in the civil suit. The order dated November 23, 2022 directed police assistance to some of the private parties in the civil suit.
8. Order dated November 23, 2022 is under challenge at the behest of the appellants before us, albeit in the manner as recorded in the submissions made on behalf of the appellants.
9. Learned Single Judge directed the police to adhere and render police assistance for complying with the directions passed by the civil Court as contained in the order dated November 23, 2022.
10. It goes without saying that, in the event, order dated November 23, 2022 is set aside, subsequently, then, appellants before us will be at

liberty to apply under Section 144 of the Code of Civil Procedure, 1908 for restitution. The Court considering such application under Section 144 of the Code of Civil Procedure, 1908 will proceed to decide on the same being uninfluenced by the decision either by the learned Single Judge or by this order.

11. In such circumstances, we find no ground to interfere with the order impugned.
12. MAT/720/2025 along with connected applications are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)