

11.08.2025
SI No.16
Court No.16
(gc)

FMA 971 of 2025

**Gopi Kishore Dutta & Ors.
Vs.
Rama Sankar Sharma & Ors.**

Mr. Abhijit Ray

...for the Appellants.

1. We have heard the learned Counsel for the appellants.
2. The respondents are not represented.
3. The learned Trial Judge on perusing the application for interim injunction along with annexures and the materials on record was of the view that since the plaintiffs have clearly admitted that the defendants are only planning for reconstruction and addition, alteration of their portion and not any portion of the plaintiffs, the defendants are required to be heard before any order of injunction can be passed.
4. It is needless to mention that the observations made by the learned Trial Court is only prima facie and shall not influence the learned Trial Court in deciding the application for injunction on merits.
5. All points are kept open to be decided by the learned Trial Court at the time of final disposal of the injunction application on merits after

giving an opportunity of hearing to the respondents/defendants.

6. Accordingly, the appeal is disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)