

24.09.2025
Item No.11
Ct. No.01
Saikat

FMA/1007/2022
with
CA/1/2022
with
CAN/2/2025

SANDHYA PRAMANIK @ SANDHYA RANI
PRAMANIK AND ORS.
VS.
CHAITALI KOLEY AND ORS.

Mr. Rabindranath Mahato, Adv.
Mr. Aritra Shankar Ray, Adv.

...For the Appellants

In Re: FMA 1007 of 2022 with CAN 1 of 2022

1. Affidavit-of-service filed in court today is taken on record.
2. The appeal is arising out of an order passed on 20th May, 2022, in which an *ad interim* order of injunction was refused. Thereafter on 16th January, 2025, the plaintiff filed an application under Order 1 Rule 10(2) read with section 151 of CPC stating that the plaintiff instituted the suit for declaration, cancellation of deed and permanent injunction. Prior thereto the appeal was filed on 6th July, 2022, an order of injunction was passed on 5th December, 2023, restraining from alienating , transferring and selling out the suit property to third party or creating any third-party interest for a period of eight weeks from date or until further orders, whichever is earlier.
3. Admittedly, no steps were taken for extension of the said interim order for almost two years. In the meantime, it

is alleged that further transfer had been taken place, which is obviously not in violation of the order passed by the co-ordinate Bench on 5th December, 2023, as there was no subsistence of the interim order beyond the period of eight weeks.

4. The plaintiff arrived at such fact by filing an application for addition of party before the learned trial judge which was allowed on 16th January, 2023.
5. At this stage, revival of the *ad interim* order passed by the co-ordinate Bench may cause hardship to the transferees who might have acquired interest on the property in the time when no interim order was in subsistence.
6. On such consideration of the fact the entire matter is required to be heard by the learned Civil Judge, Senior Division, First Court, Howrah, after giving opportunities to the subsequent transferees, if any, and consider the prayer for injunction in presence of the parties. In the event, in spite of notice original or added respondents are not represented before the learned trial court, it would be open to the learned trial court, after the amendments are carried out, to decide the said application for injunction in accordance with law without being influenced by the impugned order or by the order passed by this court at any stage of the proceeding.
7. Accordingly, the appeal and the connected application are dismissed.

8. There shall be no order as to costs.

In Re: CAN 1 of 2025

9. This is an application for addition of party.

10. However, the application for addition of party is allowed and disposed of.

11. The said respondents are already on the record and in the order passed by the learned trial court and also in the amendment petition.

[SOUMEN SEN, C.J.(ACTING)]

(APURBA SINHA RAY, J.)