

11. 20.08.2025
Court No.16.

(Pritam)

**FMAT 250 of 2025
with
CAN 1 of 2025
with
CAN 2 of 2025.**

**Sumanta Bhattacharjee.
-Vs.-
Santanu Bhattacharyya.**

Mr. Sananda Ganguli,
Mr. Ajeya Choudhury.

.....for the appellant.

Mr. Arnab Mukherjee,
Ms. Shreyasi Manna.

....for the respondent.

In Re :- CAN 1 of 2025.

1. This is an application for condonation of delay for filing the instant appeal. The delay is of 32 days. Causes shown being sufficient, the delay is condoned.
2. CAN 1 of 2025 is disposed of accordingly.

In Re :- FMAT 250 of 2025 & CAN 2 of 2025.

3. In a suit for partition, ideally, the parties should maintain *status quo* as to the nature, character and possession of the suit property and they should not be allowed to alienate the suit property till disposal of the suit.
4. The appellant is aggrieved by the observation made by the learned trial court that the allegation of the

plaintiff regarding illegal construction by the defendant has been accepted by the learned trial judge.

5. We do not find from the impugned order that any such observation has been made by the learned trial court. The learned trial judge simply recorded that as proof of illegal construction, a photocopy of one complaint dated September 20, 2023 was placed. Irrespective of police complaint, the order otherwise is sustainable having regard to the nature and the character of the suit.
6. On such consideration, we do not find any reason to interfere with the order.
7. The Appeal being FMAT 250 of 2025 along with CAN 2 of 2025 is disposed of accordingly.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)