

Item- 21. 09-09-2025

sg Ct. 16

**FMA 1324 of 2025
CAN 1 of 2025**

Rudrajyoti Bhadra
Versus
Mithun Biswas & Ors.

Mr. Satyam Mukherjee
Mrs. Sayani Ahmed
Mr. Purnendu Shekhar Ghosh
Mr. Saibal Rakshit

...for the appellant

1. The plaintiff has initially executed a power of attorney in favour of the defendant nos. 1 and 2 to enter into the sale transaction with third parties. It is alleged that the said defendants have misused the power of attorney on a consideration amount which is less than the market value and/or circulate rate as would appear from the several deeds disclosed in the injunction petition.
2. It is further submitted that one of the defendants namely, Pratik Dasgupta, being the defendant nos.3, had entered into an agreement with the erstwhile power of attorney holders as well the plaintiff wherefrom it would appear that the consideration amount was fixed at Rs.57.60 lakh whereas the deed executed by the power of attorney holders in favour of Pratik Dasgupta only mentions Rs.1.99 lakh towards consideration amount for purchasing the part of the suit property whereas the market value was determined as Rs.9.45 lakh.
3. In view of the aforesaid facts, we restrain the defendant nos. 1 and 2 from acting and/or representing themselves

as power of attorney holders of the plaintiff.

4. The defendant no.3 in the affidavit must disclose actual consideration amount paid to the erstwhile power of attorney holders.
5. We have been informed that the matter is fixed on 24th September, 2025 before the learned Trial Court.
6. The interim order shall continue till such date when we expect the learned Trial Court to consider the prayer for interim order without being influenced by any observations made in this order.
7. All the defendants shall be served with copies of the plaint and injunction petition, if not served at all, in course of this week along with a copy of this order.
8. In the event the matter could not be taken up on the date fixed, the appellant shall be entitled to pray for extension of this interim order in the said proceeding upon notice of the respondents.
9. With the above direction, the appeal and the application are, accordingly, disposed of.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)