

D/L- 28
05/08/2025
Ct. No.-6
Aritra

C.O. 2607 of 2025

**Asraf Ali
Vs.
Kamrujjman & Ors.**

Mr. Partha Sarathi Das
Mr. Md. Hafiz Ali
Ms. Shanta Sarkar
Mr. Sha Md. Umer Edne Sadhiqu
Ms. Purnima Panda

....for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant and is directed against an order being No.24 dated April 8, 2025 passed by the learned Civil Judge (Sr. Div.), Kandi, District-Mushidabad in Partition Suit No.271 of 2018.

By the order impugned, the application filed by the added defendant No.1 praying for an order permitting the petitioner to fix marbles on the floor stood allowed.

The learned advocate appearing for the petitioner submits that an order of *status quo* with regard to the nature, character and possession of the suit property is in subsistence and during subsistence of such order the defendant should not be allowed to change the nature and character of the suit property.

After going through the prayer made in the application under Section 151 of the Code of Civil Procedure, this Court is of the considered view that fixing

marbles on the floor does not amount to changing the nature and character of the suit property.

To the mind of this Court, the learned trial judge was right in allowing the application under Section 151 of the Code of Civil Procedure.

This Court is, therefore, not inclined to interfere with such order.

In view thereof, CO 2607 of 2025 stands dismissed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)