

D/L
Item No. 2
01.08.2025
KOLE
266311

**FMAT 291 of 2025
With
CAN 1 of 2025**

**M/s. Wing Sung Tannery
-Vs.-
Yeo Fah Tannery Pvt. Ltd.**

Mr. Sumitava Chakraborty

...for the appellant.

This appeal is directed against an order dated July 21, 2025, passed by the learned Civil Judge (Sr. Division), 4th Court, Alipore, South 24 Parganas in Title Suit No. 1089 of 2025 filed by the appellant herein.

In the suit, the appellant claimed the following reliefs:-

“a) A Decree of declaration that the plaintiff firm has become the absolute owner of the suit property.

b) An order of permanent injunction restraining the defendant and/or its men, agents, servants assigns whosoever from causing any interference and/or obstruction to the peaceful enjoyment of the suit property as an absolute owner more particularly described in Schedule A and/or dispossessing the plaintiff therefrom without due process of law;

c) An decree for perpetual injunction restraining the defendant and/or its men, agents and servants from creating any disturbances to the plaintiffs lawful right to enjoy the suit property as a absolute owner in any manner whatsoever;”

The appellant/plaintiff applied for an *interlocutory* order of injunction to restrain the defendant in the suit from disturbing the appellant’s peaceful enjoyment of the suit

property and to restrain the defendant from dispossessing the plaintiff without following due process of law. The application was moved *ex parte* before the learned Trial Court for *ad interim* relief. The learned Trial Judge by the impugned order has refused to grant *ex parte ad interim* relief and has posted the matter on November 28, 2025 directing service in the meantime.

We have gone through the order under appeal. The learned Judge records that the plaintiff's case is inherently inconsistent. On one hand the plaintiff says that it got possession of the property in question in terms of a settlement under the defendant. On the other hand, the plaintiff claims to have become the owner of the property by way of adverse possession. Hence, the learned Trial Judge thought it fit to hear the other side before passing any order.

We see no such infirmity in the order under appeal as would persuade us to interfere. We have also gone through the plaint. However, we do not make any comment on the merits of the case since the matter is pending before the learned Trial Judge.

We only prepone the next date that has been fixed by the learned Trial Judge as we feel that November 28, 2025, is a very long date. The learned Trial Court shall prepone the date to any date in the month of August, 2025 upon this order being communicated to the learned Trial Judge by the appellant.

The appeal and the connected application are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)