

D/L.9.
October 27, 2025.
MNS.

FMA No. 1348 of 2025
+
CAN 1 of 2025

Sri Nimai Chandra Sau
Vs.
Sri Tapas Kumar Jana

Mr. Nirmalya Biswas,
Mr. Sujit Bhunia

... for the appellant.

1. The present challenge has been preferred against an order whereby the appellant's injunction application, filed in connection with a suit by the appellant for declaration that a transaction between the parties being allegedly a loan in substance and for injunction, has been turned down.
2. Learned counsel for the appellant submits that the surrounding circumstances would show that the amount taken in the transaction was by way of a loan and the plaintiff/appellant is now willing to repay the loan and seek a reconveyance to him of the property, which was transferred as collateral of the loan to the defendant/respondent.
3. We find from the impugned order that the learned trial Judge refused injunction on the ground that *prima facie* no case has been made out for grant of injunction since there is a registered deed of conveyance in favour of the respondent in which

there is no condition of reconveyance of the same on repayment by the plaintiff.

4. Although the plaintiff/appellant might be entitled to prove his case in the suit by way of other evidence, if any, we do not find any fault with the observations made by the learned trial Judge in rejecting the injunction application.
5. Accordingly, FMA No. 1348 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
6. It is, however, made clear that in view of the pendency of the suit since the year 2022, the learned trial Judge shall make all endeavour to dispose of the suit at the earliest, preferably within one year from the date of communication of this order to the trial court.
7. CAN 1 of 2025 is disposed of accordingly as well.
8. There will be no order as to costs.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)