

D/L- 26
08/08/2025
Ct. No.-6
Aritra

C.O. 2858 of 2025

**Arup Mondal
Vs.
Sima Kayal & Anr.**

Mr. Souri Ghosal
Mr. Subhojit Mukherjee

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the defendant No.1 and is directed against an order being No.48 dated July 14, 2025 passed by the learned Civil Judge (Jr. Div.), 3rd Court at Baruipur in title Suit No.582 of 2021.

By the order impugned order the application filed by the petitioner herein praying for permission to make a construction on the suit property as he has got fund under the Pradhan Mantry Awas Yojna stood rejected.

The learned advocate appearing for the petitioner submits that the petitioner has got fund under the Pradhan Mantry Awas Yojna and after getting the said fund the petitioner completed the structure up to the linton level and she may be permitted to complete the incomplete construction.

The opposite parties herein filed a suit for declaration of title and for permanent injunction. It is not in dispute that there is an order of *status quo* in respect of B schedule property with regard to nature, character, possession and title.

Record further reveals that the opposite parties filed an application under Order 39 Rule 2A of the Code of Civil Procedure which is registered as Miscellaneous Case No.89 of 2023 alleging the violation of the order of injunction by the petitioner herein. The said miscellaneous case is at the stage of evidence.

The learned trial judge taking note of the fact that the miscellaneous case is for violation of order of injunction and at the stage of evidence rejected the said application.

This Court does not find any reason to interfere with such order.

With the above observation CO 2858 of 2025 stands disposed of.

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.)