

Item-
10. 02-09-2025

FMAT 377 of 2025
CAN 1 of 2025

sg

Sk. Rezaul Hossain
Vs.
Serajul Hossain

Ct. 16

Sk. Jakir Hossain

...for the appellant

Mr. Amit Ranjan Pati
Mr. Sunayan Ghosh
Ms. Swastika Chowdhury
Ms. K. Kubra
Mr. Anish Ghoswami
Mr. Avijit Chatterjee

...for the respondent

1. Prima facie, it appears that the defendant has constructed a poultry firm in the year 2024 in the plot No. 1666 and at this stage, we do not want to disturb the possession of the defendant in respect of the poultry firm. The said construction could not have taken place presumably without the knowledge and consent of the plaintiff. Moreover, it appears that the defendant has alleged that the parties are amicably possessing the plots by virtue of a Deed of Gift executed by the grandfather being Gift Deed No. 1140 of 1975 since the date of execution of the said gift deed.
2. The parties are restrained from alienating and/or encumbering and/or creating any third party interest in respect of the schedule properties in any manner whatsoever till the disposal of the suit.
3. It would be open for the parties to include any property left out in the partition proceeding by way of amendment to the schedule of the suit property.

4. With the aforesaid direction the appeal and the connected application are disposed of.
5. 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.)