

09.09.2025  
SL No.17  
Court No.16  
(gc)

**FMAT 371 of 2025  
CAN 1 of 2025**

**Shelly Dastidar  
Vs.  
Chitrasena Bhattacharji & Ors.**

Mr. Sounak Bhattacharya,  
Mr. Ayan Mitra,  
Ms. Ahana C. Routh

...for the Appellant.

1. The plaintiff claims to be the owner of a property till a deed of sale was executed on 14<sup>th</sup> August, 2023. It is alleged that the defendants forced the plaintiff to sign several documents in blank which were later on used as a deed of sale. However, the plaintiff did not dispute her signature in the document or its execution. It is alleged that the said document was executed under coercion. It is further alleged that the consideration amount claimed to have been paid for sale of the said property was incorrect as the entire consideration amount of Rs.22 lakhs have not been paid and only a sum of Rs.19 lakhs have been paid which was withdrawn in two tranches on 16<sup>th</sup> August, 2023 and 19<sup>th</sup> August, 2023.
2. The learned Counsel appearing on behalf of the appellant has referred to the statement of accounts to show that the beneficiary of the said

amount of Rs.19 lakhs is one Sandip Das, the defendant no.5, who was the confirming party in the said alleged deed of sale. The only unusual feature which might appear is the transfer of Rs.19 lakhs in favour of Sandip Das, the confirming party.

3. However, having regard to the fact that the incident occurred according to the plaintiff on 8<sup>th</sup> March, 2022 and the deed of sale was executed on 16<sup>th</sup> August, 2023 and also having regard to the fact that the defendant nos.5 and 6 are already in possession of the suit property and in absence of any record to show that they are in the process of transfer and/or alienating the property if it had not taken place in the meantime, any order passed at this stage in the absence of the respondents are likely to create confusion. Moreover, the learned Trial Court has fixed 18<sup>th</sup> September, 2025 for appearance of the defendants.
4. We have been informed that a copy of the plaint has been served upon the defendants.
5. However, we direct service of the injunction application in course of this week and we request the learned Civil Judge (Sr. Divn.), 3<sup>rd</sup> Court, Barasat to consider the prayer for injunction in presence of the respondents.

6. If any prima facie case is made out in the absence of any written objection by the respondents on the returnable date, temporary protection may be granted to the plaintiff so that the subject matter of the suit is preserved till the disposal of the injunction application on merits.
7. We make it clear that the observation made in this order shall not influence the learned Trial Judge in considering the prayer for interim relief on 18<sup>th</sup> September, 2025 or in any future proceeding.
8. Accordingly, the appeal and the application are disposed of.
9. However, there shall be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

**(Soumen Sen, J.)**

**(Apurba Sinha Ray, J.)**