

14.10.2025.
Court No.8
Item No. 1
ap/pk

F.M.A.T. 435 of 2025
With
I.A. No. CAN 1 of 2025

Anisur Rahaman
(minor represented by his mother Kariba Bibi)
Versus
Hafizur Rahman & Anr.

Mr. Kaustav Banerjee,
Ms. Ria Kundu.

...For the appellant.

An order of the learned Civil Judge (Senior Division) Kandi, Murshidabad dated July 5, 2024 in Partition Suit No. 258 of 2024 is under challenge in this appeal in which the learned Civil Judge (Senior Division) Kandi, Murshidabad has allowed the prayer of the respondent no.1 under Order 39, Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908.

The appellant has been restrained thereby to disturb the peaceful possession of the respondent no.1/defendant over the suit property for a limited period

None appears for the respondents today.

It has been informed on behalf of the appellant that the service has not yet been completed.

This Court finds no cogent reason to interfere into the impugned order in so far as the same is only interim in nature and notices are issued upon the

present appellant to represent his case before the learned Court.

In such circumstances, this Court finds no merit in the instant appeal.

Be that as it may, the learned Advocate appearing for the appellant has informed that an application for injunction filed by the present appellant is now pending before the learned Civil Judge (Senior Division) Kandi, Murshidabad.

Hence, this appeal is being disposed of with a direction upon the learned learned Civil Judge (Senior Division) Kandi, Murshidabad to take up the injunction application of the present appellant as expeditiously as possible and dispose it of as expeditiously as possible, preferably within a period of six weeks from the date of communication of a copy of this order in presence of both the parties.

In view of disposal of the appeal itself, the connected application being CAN 1 of 2025 is also disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rai Chattopadhyay, J.)

(Smita Das De, J.)

