

07.07.2025
Item No. 290
Ct. No. 30
AN

CO 4009 of 2024
Mohammed Kuddus Ali
vs.
Asgar Ali & anr.

Mr. Sayan Chattopadhyay
Mr. Samirul Hassan
... for the petitioner

Mr. Satyam Mukherjee
Mr. Saibal Rakshit
Ms. Sayani Ahmed
... for the opposite parties

Supplementary affidavit filed today be kept with the
record.

The present civil revisional application has been preferred against an order dated 12.05.2022 passed by the learned Additional District Judge, 4th Court, Barasat, North 24 Parganas in Misc. Appeal 327 of 2014 thereby setting aside the order dated 14.09.2012 passed by the learned Civil Judge, Junior Division, 1st Court, Barasat, North 24 Parganas in Title Suit No. 466 of 2010 whereby the application under Order 39 Rule 1 and 2 of the Civil Procedure Code was considered and allowed.

The petitioner's grievance is that the appellate court has erroneously vacated the order of status quo passed by the learned Civil Judge, Junior Division, 1st Court, Barasat, North 24 Parganas.

On hearing the parties and on perusal of the materials on record, it appears that the plaintiff/petitioner

herein transferred the suit property in favour of the defendant/opposite party by way of a deed which was executed in the year 2006 but registered in the year 2010.

The case of the plaintiff/petitioner is that his daughter was married into the family of the respondent/defendant in the year 2008 and she died in her matrimonial home in 2008.

It is the case of the petitioner that though he was dispossessed from the suit property during pendency of the suit and the appeal and the writ application, he has now got the possession of a portion in the disputed property which was not part of the sale deed and as such he is making construction on that portion of the property which is not part of the sale deed and he prays for protection of his property on the said plot of land.

On the other hand, it is the contention of the learned counsel for the opposite parties herein that the petitioner is not in possession of the suit property and as such the order of status quo was vacated by the appellate court. It is further submitted that it is the defendant/opposite party who is in possession of the suit property.

Considering the said facts and if this is the admitted position, there was no harm in letting status quo remain till the disposal of the suit by the learned trial court but the appellate court choose to vacate the same.

On hearing the parties and considering the materials on record, this Court had passed an order of status quo till disposal of this revisional application.

In view of the observations made above, an order of status quo as to the admitted position will not prejudice any parties to the suit and as such the order of status quo is made absolute till disposal of the suit before the learned trial court. The defendant/opposite party, who admittedly has the deed in his favour, is restrained from creating any 3rd party interest till disposal of the suit.

The learned trial court is directed to make all endeavour to dispose of the suit within a period of one year from the date of communication of this order.

As such this civil revisional application is **disposed of.**

Consequently, pending applications, if any, stand disposed of.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)