

Dd 19 15.06.2026
[Bench Id:266046]

In the High Court At Calcutta
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA/1804/2025
ASHIM KUMAR BISWAS AND ORS.
VS
SRI AMAR KUMAR SARDAR AND ORS.
IA NO: CAN/1/2025

Mr. Probal Kr. Mukherjee, Ld. Sr. Adv.
Ms. Shohini Chakraborty, Advocate
Ms. Prajaaini Das, Advocate
... .. For the Appellants

Mr. Sabyasachi Chatterjee,
Mr. D. Mondal, Advocate
Mr. Sounak Bhattacharya, Advocate
Mr. Rishav Khan, Advocate
Ms. Bipasha Bhattacharyya, Advocate
... .. For the Respondent Nos. 1 to 7

Mr. Ovik Sengupta, Advocate (VC)
.. ..For the Respondent Nos. 15 to 23

1. Appeal is at the behest of defendant Nos. 1 to 7 in Title Suit No. 510 of 2022 pending before the learned Civil Judge, Senior Division, 2nd Court, Baruipur.
2. By the impugned Order No. 34 dated September 8, 2025, learned Trial Judge passed an order of status quo as against the nature, character and possession of the suit property till disposal of the suit.
3. Learned senior advocate appearing for the appellants submits that, the learned Trial Judge passed the impugned order, without defining the status of the respective parties in respect of the

immovable properties concerned. He contends that, the plaintiffs do not possess any right, title and interest in respect of the suit property inasmuch as, the plaintiffs assailed the title deeds in respect of such immovable properties. He submits that, till such time, the issue as to title to the immovable properties are settled, the plaintiffs are not entitled to order of injunction.

4. Plaintiffs and some of the other defendants to the suit are represented.
5. It is contended on behalf of the plaintiffs that, there was an existing order of status quo passed in this suit. The appellants, in violation of such order, sought to demarcate the immovable properties concerned and sell the same which necessitated the application for injunction in which the impugned order was passed. He submits that, the parties should be restrained from dealing with or encumbering the immovable properties.
6. A suit for declaration and partition is pending adjudication. In such suit from time to time, diverse interim orders were passed.
7. Suit properties require protection till disposal of the suit in order to prevent creation of third party rights.
8. Suit relates to immovable properties. Plaintiffs seek declaration that certain title deeds are of no consequence with regard to the creation of title in respect of the immovable properties over which partition is sought for. Plaintiffs also seek partition of the immovable properties involved in the suit.
9. Since the immovable properties require protection pending the trial of the suit, it would be appropriate to modify the impugned order by restraining all parties to the suit from creating any third party

rights over and in respect of the immovable properties involved in the suit.

10. Nature and character of the suit property require protection pending the adjudication of the suit. In order to ascertain the present nature and character of the suit properties, it would be appropriate to appoint the advocate-on-record for the plaintiffs as also the advocate-on-record for the appellants before the learned Trial Judge as joint Commissioners who will visit the suit properties, submit a report as to the nature and character of the suit properties before the learned Trial Judge. This exercise be completed within 4 weeks from date.
11. The parties to the suit are restrained by an order of injunction from changing, altering or modifying the nature and character of the suit properties as would be appearing from the report of the joint Commissioner. In the event any of the parties to the suit require changing the nature, character and user of the suit properties subsequent to this order, such party is at liberty to apply before the learned Trial Judge for such alteration, modification and the variation. Learned Trial Judge will consider and dispose of such application in accordance with law, if applied for.
12. We clarify that the observations made herein are prima facie in nature and will not prejudice any of the parties to the suit on the physical hearing.
13. Requests on behalf of the appellant for expeditious disposal of the suit is accepted. Suit is pending since 2022. Learned Trial Judge will endeavour to hear and dispose of the suit as expeditiously as

possible without affording any unreasonable adjournments to any of the parties.

14.FMA/1804/2025 along with the connected application are **disposed of** accordingly.

[Debangsu Basak, J.]

[Md. Shabbar Rashidi, J.]