

Form No.J(2)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

Present : The Hon'ble Mr. Justice Sabyasachi Bhattacharyya
&
The Hon'ble Mr. Justice Supratim Bhattacharya

FMA No. 1803 of 2025
+
CAN 1 of 2025

Jhabri Dasi @ Jhabri Dasi Mandal
-vs-
Bappa Kumar and others

For the appellant : Mr. Ramdulal Manna,
Mrs. Manju Manna (Dey),
Mr. Sayan Mukherjee.

Heard on : February 17, 2026.

Judgment on : February 17, 2026.

Sabyasachi Bhattacharyya, J.:

1. The present appeal has been preferred against an order of *status quo*.
2. It is evident from the findings in the said order that the learned Advocate for the defendant no. 2 (present appellant) raised no objection if *status quo* was granted in respect of the nature, character and possession of the suit property.

3. It is the very same *status quo* order which has been challenged before us.
4. Learned counsel for the appellant submits that without any instruction from the appellant, her learned Advocate in the trial court gave such consent.
5. Learned counsel places reliance on the judgment in the case of *Himalayan Cooperative Group Housing Society Vs. Balwan Singh* reported at 2015 0 AIR(SC) 2867 for the proposition that the client will not be bound by unauthorized concessions affecting his legal rights made by his counsel.
6. Although there is no quarrel with such proposition, fact remains that it is a well-settled position of law that if any dispute is raised as to the conduct of the proceeding before a particular court and what transpired before the court, it is the self-same court, if possible the self-same learned Judge, who is to be approached to correct the records.
7. As such, the present appeal is an illusory remedy insofar as the nature of the allegations of the appellant are concerned. Moreover, there is no scope of preferring an appeal against an order passed virtually on consent.

8. Accordingly, we find no scope of interference on the ground raised by the appellant.
9. FMA No. 1803 of 2025 is disposed of along with CAN 1 of 2025 without interfering with the impugned order, but granting liberty to the appellant to approach the trial court with the self-same ground as raised herein, insofar as the appellant contends that no authority was given by the appellant to her learned Advocate to give concession with regard to the *status quo* order.
10. If such application is filed before the trial court, the learned trial Judge shall decide the same upon giving an opportunity of hearing to both sides, independently and in accordance with law, without being influenced in any manner by the disposal of the present appeal.
11. There will be no order as to costs.
12. Urgent photostat certified copy of the order, if applied for, be supplied to the parties at an early date.

I agree.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)