

AD – 17
Ct No.16
05.05.2026
(SSS)

FMAT 491 of 2025
with
CAN 1 of 2025
with
CAN 2 of 2026

Md. Mahasin Mondal
Vs.
Idrish Mondal

Mr. Mrinal Kanti Ghosh,
Ms. Bipasha Bhattacharyya, Advs.
.....For the appellant.

Mr. Atarup Banerjee,
Mr. Rajdeep Pramanik,
Ms. Simika Roy, Advs.
...For the respondent.

1. In view of sufficient explanation for the delay having been furnished, CAN 2 of 2026 is allowed, thereby condoning the delay in preferring FMAT 491 of 2025.

2. The present appeal arises against an order whereby *status quo* was granted in favour of the plaintiff/respondent in respect of nature, character and respective possession of the parties with regard to the suit property till disposal of the suit.

3. Learned counsel for the appellant submits that the appellant had just started repair work of the

boundary wall of the premises, where he was already residing, at which juncture the *status quo* order was passed, thereby precluding him from completing such repair work, which is affecting the privacy of the family members of the appellant.

4. However, from the Trial Court's order, we find reference to a GD Entry dated November 9, 2024 lodged by the appellant from which, as per the Trial Court, it appeared that the defendant/appellant was proceeding with the construction of his house. We find from a copy of the same, which is annexed to the stay application filed in connection with the appeal, that the tenor of such complaint of the appellant was that the appellant had started making construction of a building (as opposed to merely repairing a boundary wall) on the suit property.

5. However, the same is in stark contradistinction with the averments made in the written objection filed by the defendant/appellant to the injunction application in the Trial Court, where an impression was sought to be given that the appellant was merely attempting to repair the damaged boundary wall.

6. Thus, since the property is joint in nature and ought to be maintained in *statu quo* during

pendency of a partition suit, we do not find any legal or factual error in the impugned order, whereby *status quo* was directed to be maintained with regard to the nature, character and the respective possession of the parties in respect of the suit property.

7. Hence, FMAT 491 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

8. CAN 1 of 2025 stands dismissed accordingly as well.

9. There will be no order as to costs.

10. Parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)