

17.03.2026
Ct. No. 30
S.L. No. 47
SM

CO 4396 of 2024
Mir Fozilat Ali @ Mir Fadalat Ali & Anr.
Versus
Samsunnesha & Ors.

Mr. Partha Sarathi Das
Ms. Shanta Sarkar
Mr. Umer Sadique
Ms. Purnima Panda
Mr. Agni J. Chanda
Ms. Sudipa Das
Ms. Swarnali Ghosh
Ms. Maria Sharwari

.....for the petitioners

Mr. Manas Kumar Das
Mr. Prabal Das

.....for the respondent

1. A clerical error has occurred in the order dated 10.03.2026 in the cause title of the order.
2. In the order dated 10.03.2026 'CO' be read instead of 'WPA'.
3. Let this order be read along with order dated 10.03.2026.
4. Order dated 10.03.2026 is modified accordingly.
5. The Civil Revision has been preferred challenging an order dated 30.11.2024 passed by the learned Civil Judge (Senior Division), Kandi, Murshidabad, in P.S. 169 of 2021, allowing the prayer of the defendant no. 4 to make construction over the said plot of land in question.
6. Vide the impugned order the learned Trial Court permitted the opposite party herein to make construction on the respective share, which is in

possession of the opposite party, who has given an undertaking to remove the construction, if the said construction does not fall within the ambit of their allotted share at the time of final decree.

7. The petitioner's grievance is that the Trial Court could not have passed such an order, without modifying the order of 'status quo' which is still subsisting.

8. Considering that the challenge in the present revision is on a technical issue, this Court directs that the impugned order is affirmed, on modification of the order of 'status quo'. Considering that the impugned order has been passed in a suit for partition, this Court finds no reason to interfere with the impugned order.

9. Civil Revision is accordingly disposed of.

10. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]