

JPD-37
Ct No.07
08.06.2026
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

FMAT 3 of 2026
IA No: CAN 1 of 2026

Sunil Kallani @ Sunil Kumar Kalloni
Vs
SandeepG. Real Estate Private Limited and others

Mr. Nigam Mittal
.... for the appellant.

Mr. Subham Ghosh
Mr. Mayank Roy
...for the respondent no.1.

Mr. Deborshi Dhar
...for the proforma respondent/defendant no.2.

1. The present challenge has been preferred against an order whereby the injunction application filed by the plaintiff/respondents, in a suit primarily for cancellation of deeds of title executed in favour of the appellant and recovery of possession, was allowed.
2. Learned counsel for the appellant assails the impugned order on several grounds, including that the learned Trial Judge did not advert specifically to the documents produced before the learned Trial Judge at the stage of final hearing of the injunction application by the defendant/appellant.

3. It is submitted that from such documents as well as the averments made in the appellant's written objection to the injunction application, it would be evident that the plaintiff/respondents had prior knowledge of several other suits and consequentially, the deeds-in-question, hence rendering the present suit barred by limitation.
4. Even otherwise, learned counsel seeks to rely on certain documents placed before the learned Trial Judge.
5. However, on a perusal of the impugned order, we find that the learned Trial Judge adverted to the respective arguments of the parties, although in a nutshell at the temporary injunction stage, and came to the conclusion that a detailed trial on evidence would be necessary to conclusively adjudicate the disputes between the parties.
6. We also find from the materials sought to be relied on by the appellant that evidence on trial would be necessary to convince the court in favour of either party.
7. As such, since triable and arguable issues have been made out, we do not find any illegality *per se* in the impugned order.
8. However, we make it abundantly clear that the findings rendered in the impugned order would be tentative for the purpose of the temporary

injunction application only and shall not have any binding effect at any further stage of the suit, including the final hearing of the same.

9. With the above observation, we do not find any necessity to interfere.
10. Hence, FMAT 3 of 2026 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
11. CAN 1 of 2026 is also consequentially disposed of.
12. There will be no order as to costs.
13. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)