

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE**

**APOT/61/2026
IA NO: GA/1/2026**

**MILAN CHATTORAJ AND ANR.
VS
BAGHBAZAR SARBOJANIN DURGOTSAB AND EXHIBITION**

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date : April 17, 2026.

Appearance:

Mr. Souvick Mitra, Adv.

Ms. S. Ray, Adv.

...for the appellant.

Mr. Sakya Sen, Sr. Adv.

Ms. Sormi Dutta, Adv.

...for respondent nos. 1 to 4.

Mr. Purnendu Das, Adv.

Mr. Kinjal Kr. Baral, Adv.

Mrs. Gitika Mallick, Adv.

...for respondent no. 5.

The Court: Appeal is directed against an order dated March 20, 2026 passed in GA/1/2025 in CS/74/2025.

By the impugned order, learned Single Judge, adjourned the matter to enable the learned Advocate for the defendant nos. 5 and 6 to take instructions as to when such defendants will quit and vacate the suit property and hand over vacant and khas possession to the plaintiff. The learned Single Judge directed the matter to appear in the monthly list of April, 2026.

Learned Advocate appearing for the appellant submits that, the appellants are the defendant nos. 5 and 6 in the suit. Such defendants were required to quit and vacate the suit property. He submits that, subsequently,

an order dated April 9, 2026 was passed by the learned Single Judge where, the defendant nos. 1 to 4 were directed to hand over the khas and vacant possession of the portion agreed to be given by the defendant nos. 5 and 6 in the developed premises particulars whereof are provided in the Memorandum of Agreement dated November 15, 2017 by April 20, 2026.

The respondents are represented.

We find from the records that, by the impugned order, the learned Single Judge merely adjourned the hearing of an interim application by the impugned order dated March 20, 2026. We do not find that, by the impugned order, learned Single Judge, decided any rights, *inter se*, the parties finally or otherwise.

In such circumstances, we do not find the impugned order to affect any rights of any of the appellants thereby permitting invocation of Clause 15 of the Letters Patent, 1865.

Parties are at liberty to take appropriate steps with regard to the subsequent order dated April 9, 2026. Such order is not under appeal before us.

APOT/61/2026 along with all pending applications are disposed of, without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)