

Misc. Appeal 10 of 2024
Reg. No. 10/24

Order No. 08
Dated 17.08.24.

The record is taken up for hearing of a stay petition filed by the appellant.

Ld advocate for the appellants submitted that the respondents / plaintiffs filed T.S. 466/2022 against the appellants and others filed a suit for declaration of title and permanent injunction and also for correction of ROR. In that suit, the respondents/ plaintiffs prayed for temporary injunction and upon hearing both sides, ld Civil Judge (Jr.Divn), 1st Court, Bankura has passed an order of status quo upon the parties to this suit in respect of nature, character, alienation and possession of the suit property till disposal of the suit.

Next submitted that the plaintiffs are not the owner of the suit property and the suit property originally belongs to Sreemati Bala Dasi and she transferred the same in the name of Anil Kumar Ghoshal who thereafter executed a patta in favour of Bimala Prasad Ghoshal, Sarala Prasad Ghoshal and others in the year 1949. But in view of the promulgation of W.B. Estate Acquisition Act (WBEA Act) the said property has been vested upon the patta holders and thereafter the legal heirs of Bimala Prasad Ghoshal transferred the same in favour of the appellants and their names has been recorded in the LRROR. But ld Trial court did not consider the actual perspective of the case and passed an order of status quo and prayed for stay of operation of the said order.

Having heard and having considered the submission of ld Advocate of the appellants and on going through the impugned order and other materials on record, I am of the view that if any order of stay is passed in this appeal that will touch the merit of the appeal.

Under such facts and circumstances of this case, the prayer for stay of the operation of the order dated 09.04.2024 of ld Civil Judge (Jr.Divn), 1st Court, Bankura, passed in TS 466/22 is hereby rejected.

Issue summons upon the respondents.

The appellant is directed to take immediate steps.

To 21.11.2024 for S/R of summons.

Dictated by me

Addl. District Judge,
2nd Court, Bankura.

Additional Dist. Judge,
2nd Court, Bankura.