

Misc appeal no. 45 of 2025

Order 1 dated 08.08.2025

The dealing assistant has given a note that no caveat has been filed in this Misc Appeal by the respondents.

The Misc. Appeal is taken up on the point of admission hearing. Heard the Ld. Advocate for the appellants, perused the impugned order and memo of appeal and considered. The appeal is filed within time. There is sufficient *prima facie* grounds to admit the instant appeal. Accordingly, the appeal is admitted.

The appellants are directed to file requisites with process fees for service of notice upon the respondents.

Office is directed to issue notice on receipt of requisites.

An application U/s 151 CPC is filed by the appellants on the ground that the Ld. Trial Judge has appointed a Receiver in the original suit. If the impugned order remains in force the purpose of filing of this Misc Appeal will become infructuous. The appellants have prayed for stay of impugned order dated 03.07.2025 passed by Ld. Civil Judge (Sr. Divn), Sealdah in Title Suit No. 147 of 2015.

I have carefully examined the certified copy of impugned order. It is felt that a partition suit is filed by the respondents and that is pending before Ld. Trial Judge. It is to be decided in course of trial after its completion that whether the parties are co-sharers or not.

Therefore, at this stage, I am not inclined to pass any order of interim stay regarding the operation of the order dated 03.07.2025 passed by Ld. Civil Judge (Sr. Divn) Sealdah in Title Suit No. 147 of 2015.

Accordingly, issue notice calling upon the respondents to show cause within 15 days hereof as to why the application for stay shall not be heard *ex parte*.

Fix **16.09.2025** SR/ AD and appearance.

Requisites at once.

D/C by me

(I.M. Mitra)
ADJ- 1st Court, Sealdah
In-charge

(I. M. Mitra)
Addl. District Judge,
1 Court, Sealdah
In-charge