

26.06.2025
Sl. 26 & 27
AMR
Ct.No.-655

FMA 660 of 2008

With

**CAN/1/2007 (Old CAN/9551/2007),
CAN/3/2023**

AND

FMA 661 of 2008

With

**CAN/1/2007 (Old CAN/9552/2007),
CAN/3/2023**

Subir Ghatak

Vs.

Bula Ghosh & Ors.

Mr. Partha Pratim Roy
Mr. Pinaki Bhattacharya
Ms. Priti Dutta

...for the Appellant

Mr. Atis Kumar Biswas
Mr. Sundar Gopal Bhattacharyya

...for the Added respondent nos. 8 to 10/KMC

1. Affidavit-of-Service filed today is taken on record.
2. Appellant is represented by the learned advocate.
3. Learned advocate for the KMC is present.
4. Despite service effected upon the respondents, they do not venture to appear before this Court.

In Re.: CAN/3/2023

5. This is an application seeking for an order of injunction in respect of the suit property. It is stated in the application that the Respondent nos. 1 and 4 had transferred 4 cottah13 sq.ft. of land to the added

respondent no. 1, M/s. D. S. Enterprise, a partnership firm by a registered Deed of Conveyance dated 7.1.2008 in order to defraud this petitioner. Subsequently, the said M/s. D. S. Enterprise transferred the said land to M/S M.S. Construction (added respondent no.3), a partnership firm by deed no. 2231 of 2008.

6. It is said by the learned advocate that the said Enterprise, who is the alleged purchaser of the said land, may transfer to another stranger purchaser for which this appellant will suffer a lot.

7. As such, it is prayed that an order of injunction may be granted so that the said respondent nos. 1 to 3 may not transfer, lease out or assign the property in question to the third party.

8. Upon hearing the learned counsel for the petitioner and upon perusal of the documents on record it appears that a prima facie case exists in favour of the petitioner. The petitioner is likely to suffer irreparable loss and injury if the injunction is not granted.

9. Accordingly, the respondent nos. 1 and 3 are hereby directed not to change the nature and character of the suit property as well as not to alienate and/or transfer the suit property to anybody till 29th July, 2025.

10. Appellant is directed to communicate this order to the respondent nos. 1 to 4 immediately and file affidavit of service on the returnable date.

11. Let the appeal and applications be listed on 25th July, 2025.

(Prasenjit Biswas, J.)