

AD-60
Ct No.16
07.05.2026
TN

FA 37 of 2026
IA No: CAN 1 of 2026

Tapan Biswas and another
Vs.
Bimal Chandra Biswas and others

Mr. Partha Pratim Roy,
Mr. Samrat Chakraborty

.....for the appellants

1. A strong *prima facie* case has been made out for hearing of the appeal inasmuch as the learned Trial Judge dismissed the appellants' suit for partition on the ground of *res judicata* by relying on a previous judgment in an earlier partition suit which, however, was dismissed only on the ground of non-joinder of necessary parties and non-production of documents of title, although there was no dispute at any stage as to the title of the parties.
2. Hence, a *prima facie* case for grant of injunction has been made out. On the basis of the averments made in the injunction application, we also find that the balance of convenience and inconvenience lies in favour of grant of injunction. Moreover, unless the injunction as prayed for is granted, the appeal may be rendered infructuous, thereby exposing the appellants to the risk of irreparable injury.
3. Accordingly, the respondents and/or their men and agents shall remain restrained by an order of injunction from selling, transferring, alienating and/or

creating any third party interest in respect of the suit property till disposal of the application.

4. The parties shall also maintain status quo as regards their respective possession in respect of the suit property, till disposal of the application.
5. The appellants shall serve copies of CAN 1 of 2026 on the respondents, indicating that the application shall be listed in the monthly list of June, 2026 when an affidavit-of-service to that effect shall be filed by the appellants.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)