

D/L.11.
June 30, 2025.
MNS.

FA No. 257 of 2025
+
CAN 1 of 2025

Sudip Biswas
Vs.
Sadhan Biswas and others

Mr. Debjit Mukherjee,
Mr. Anirban Pal,
Ms. Runu Chowdhury,
Mr. Debanshu Saha

... for the appellant.

Re : CAN 1 of 2025 (injunction application)

1. The appellant shall put in due requisites and talabana, as reported by the Office, within a week from date.
2. Learned counsel for the appellant submits that when a copy of the application was sought to be served on the learned Advocate who had lodged a Caveat on behalf of the respondents in this Court, the said learned Advocate informed that she was no longer in the matter, due to which copies were served on the respondents directly.
3. The affidavit-of-service filed to that effect be kept on record.
4. It transpires therefrom that all the respondents have been duly served.

5. In such view of the matter, since the respondents choose not to appear at the time of call, we take up the application for *ex parte* hearing.
6. Since a *prima facie* case for hearing of the appeal on merits is made out both on facts and law, we grant injunction restraining the respondents and/or their men and agents from transferring, alienating, encumbering and/or creating any third party interest in respect of the suit property and/or changing the nature and character of the suit property till disposal of the appeal.
7. In view of the above directions, CAN 1 of 2025 is disposed of without any order as to costs.

Re: FA No. 257 of 2025

8. The trial court records shall be brought by special messenger at the cost of the appellant, to be deposited within a week from date.
9. The appellant shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.
10. Liberty to the parties to mention the appeal for inclusion in the list for hearing as and when the same is made ready for hearing.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)