

D/L.11.
June 17, 2025.
MNS.

FAT No. 96 of 2025
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CAN 1 of 2025

Kamal Kumar Samanta and others
Vs.
Smt. Suvadra Samanta and others

Mr. Ujjal Roy,
Mr. Abdur Rahim,
Ms. Manisikha Mondal

... for the appellants.

Mr. Rajnil Mukherjee,
Ms. Satabdi Dey,
Mr. Subham Das

...for the respondent nos. 1 to 6.

Re: CAN 1 of 2025 (appropriate order/stay)

1. In view of appearance of respondent nos. 1 to 6 through their advocate, service of notice of the application on the said respondents is dispensed with.
2. Since a *prima facie* case has been made out on facts and on law, particularly with regard to the allocation of shares of the stranger-purchasers, being respondent nos. 7 to 9, only in respect of some portions of the suit property, as well as in view of certain mathematical errors in the allocation of shares, the appeal is required to be heard on merits.

3. We also find from the averments made in the application that in the event the final decree is drawn up in the meantime on the basis of the preliminary decree, which has been assailed before us, the appellants may suffer irreparable injury.
4. Accordingly, the learned trial Judge shall continue with the final decree proceedings, but shall not draw up the final decree without prior leave of this court, till disposal of the application.
5. The appellants shall serve copies of the application on the respondent nos. 7 to 14, indicating that the application shall next be listed for hearing on July 14, 2025, when an affidavit-of-service to that effect shall be filed by the appellants.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)