



AD-18  
Ct No.16  
10.11.2025  
TN

FMA 708 of 2025  
IA No: CAN 1 of 2025

Tarun Kumar Ghosh and another  
Vs.  
Ashoke Kumar Ghosh and another

Mr. Piyush Chaturvedi, Sr. Adv.,  
Mr. Tarak Nath Halder

....for the appellants

1. A *prima facie* case has been made out as to the learned Trial Judge having erred in law and in fact in passing the temporary order of injunction at the behest of the plaintiff/respondent no.1 on several grounds. Apart from the fact that the claim of the plaintiff might be hit by the Prohibition of Benami Property Transactions Act, 1988. Further, it transpires that no basis has been provided by way of *prima facie* evidence in support of the plaint claim that a portion of the consideration for purchase of the property was provided by the plaintiff.
2. Learned senior counsel appearing for the appellants submits that, in view of the above, neither any *prima facie* case nor any balance of convenience and inconvenience was made out by the plaintiff/respondent no.1 for grant of the impugned order of injunction.



3. The appeal is accordingly admitted and shall be heard on the above questions and the other grounds taken in the memorandum of appeal.
4. In view of the questions involved in the interlocutory application being identical with the main appeal, we direct the appellants to serve copies of the memorandum of appeal as well as CAN 1 of 2025 on the plaintiff/respondent no.1 indicating that the appeal and the application shall be taken up together on November 24, 2025, when the matter shall be listed under the heading “Applications”. Such notice shall be deemed to be the notice of hearing of the appeal as well.
5. The appellants shall file an affidavit-of-service to that effect on the next date of hearing.
6. Service on the proforma defendant/respondent is dispensed with in view of no relief having been sought against the said respondent.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)