

AD -14
Ct No.10
07.07.2025
(SSS)

FMAT 134 of 2025
With
CAN 1 of 2025

Smt. Rita Dutta and Anr.
Vs.
Smt. Sharmila Daw (Nee Dutta) and Ors.

Mr. Tanmoy Mukherjee,
Mr. Bimalendu Das,
Mr. Souvik Das,
Ms. Shomrita Das

...For the Appellants.

1. Affidavit of service filed today be kept on record.
2. It transpires that only the defendant/respondent nos. 1 and 3 contested in the Trial Court. Apart from respondent no. 2(d), the others have been satisfactorily served. Since the defendant/respondent no. 2(d) had not contested in the court below, we dispense with further service on the said respondent.
3. The injunction application is taken up for hearing ex parte since none appears, despite service, to contest the same.
4. We find from our order dated June 9, 2025 that upon elaborate reasons being given, we had granted ad interim injunction. We had observed, as we also find now, that the plaintiffs/appellants have made

out a strong prima facie case inasmuch as, despite the property originally belonging to the father-in-law of the appellant no. 1, the same was transferred by her mother-in-law in favour of the defendants/respondents which, according to the appellants, did not confer title on the defendants. That apart, the plaintiff/appellant no. 1, by virtue of her claim through her deceased husband, has a right of residence in the suit property, which is a part of her husband's estate as well as her matrimonial home.

5. Accordingly, I.A. No. CAN 1 of 2025 is allowed ex parte, thereby granting injunction restraining the defendants/respondents and/or their men and agents from interfering with the peaceful possession of the plaintiffs/appellants in respect of the suit property in any manner without due process of law till disposal of the appeal.

6. The appellants shall put in due requisites and postal costs for service of notice of appeal on the respondents within a week from date.

7. In view of the appellants being equipped with all the necessary papers, we dispense with calling for the trial court records for the present.

8. The appellants shall prepare and file the requisite number of informal paper books without comparing with the records within six weeks from the

date of service of notice of arrival of the trial court records on the learned Advocate for the appellants.

9. Liberty to the parties to mention the appeal for inclusion in the list as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)