

25.8.2025
SI No.24
Court No.16
SB

F.M.A. 862 of 2025
CAN 1 of 2025
Sangita Jaiswal and Anr.
Vs.
Sankar Prasad Jaiswal

Mr. M. P. Gupta
Ms. Moumita Dhar
Ms. Ahana C. Routh
Mr. Sunny Rai ... for the appellants.

1. The father of the plaintiff number 1 became the owner of the suit property on 29.11.1963 and the alleged deed on which reliance is placed by the defendants has no value. The plaintiff is the daughter of Mr. Durga Prasad Jaiswal executed a registered Will in favour of the plaintiff / appellant. However, the probate petition was dismissed against the said order and the appeal being FAT 53 of 2017 is pending. The plaintiff alleged that the defendants are trying to alienating the property and raised construction in the suit property. It is further alleged that by virtue of a deed of indenture dated 19.8.1972, the defendants are trying to oust the plaintiff from the possession.
2. Considering the nature of some records and the plaintiff is in possession of the suit property, we restrain the defendants from interfering with the possession of the plaintiff in a suit property. This interim order shall remain in operation for a period of four weeks or until further order whoever is earlier.
3. The petitioner is directed to serve copy of the memorandum of appeal and stay petition upon the

respondents by speed post with acknowledgement due in course of this week along with copy of this order. An affidavit of service to that effect shall be filed on the next date of hearing.

4. In spite of notice the respondents are not represented the appeal shall be heard in their absence.
5. Let the matter appear after two weeks.

(Soumen Sen, J.)

(Biswaroop Chowdhury, J.)