

Item No.9
23.02.2026
Ct. No. 6
GB

C.O. 1773 of 2015
With
CAN 1 of 2025

Sri Pradip Kumar Roy
Vs.
Dilip Kumar Roy

*Mr. Prasanta Kumar Pakrashi,
Mr. A.N. Mandal*

...for Petitioner.

*Mr. Uddipon Banerjee,
Mr. Sk. Mustafi Rahaman*

...for the Opposite Party.

In Re: CAN 1 of 2025

1. This is an application for restoration of CO 1773 of 2025, which was dismissed for default on June 30, 2025
2. Having perused the grounds stated in paragraphs 2 and 3 of the application, this Court is satisfied that the petitioner was prevented by sufficient cause from attending the Court when the matter was called on and dismissed for default.
3. Accordingly, the application being CAN 1 of 2025 is allowed and disposed of. CO 1773 of 2025 is restored to its original file and number.

In Re: CO 1773 of 2025

4. Prima facie, it appears to the Court that the learned Additional District Judge, Fast Track Court, Chandannagar, Hooghly erred in directing deposit by

way of security be made by the judgment debtor as a condition for stay of the judgment and decree, although a decree for a declaration of right, title, interest and possession of the opposite party and permanent injunction was passed. Neither was the suit for recovery of possession nor was any decree for eviction passed.

5. Under such circumstances, there shall be stay of all further proceedings in Title Appeal No.6 of 2023, pending before the learned Additional District Judge, Fast Track Court, Chandannagar, Hooghly, as also stay of the operation of judgment and decree passed in Title Suit No. 648 of 2017. Status quo with regard to the nature and character of the suit property be maintained. The property shall not be alienated or encumbered.
6. The interim order as above will continue for a period of three months or until further orders, whichever is earlier.
7. Let the matter appear in the monthly list of March, 2026 under the heading 'Upgraded Motion'.
8. Liberty to communicate.

(Shampa Sarkar, J.)