



D/L.12.
November 12, 2025.
MNS.

FMA No. 1337 of 2025
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CAN 1 of 2025

Ashok Kumar Das and another
Vs.
Smt. Dipa Behera alia Anita Paik and others

Mr. Rabindra Narayan Dutta,
Mr. Sibasis Ghosh,
Mr. Koushik Bhattacharya,
Mr. Arkoday Mukherjee,
Mr.Soham Banerjee

... for the appellants.

Re : CAN 1 of 2025 (stay application)

1. The present appeal has been preferred against an ad interim *status quo* order granted in favour of the plaintiff/respondent no. 1.
2. Learned counsel for the appellants argues that apart from the order being unreasoned, no specific declaration challenging the valid title deed in favour of the appellants, on the strength of which a previous suit was filed and injunction has been obtained by the appellants, has been prayed for in the suit.
3. It is further submitted that the golden tests of grant of ad interim injunction have not been adverted to in the impugned order.
4. Since the above arguable questions have been raised in the appeal, the same is admitted and shall be heard on the above grounds as well as the other grounds taken in the Memorandum of Appeal.



5. However, we are not granting ad interim order of stay at this stage since it would tantamount to allowing the appeal before hearing the other side, as, by the impugned order, a prohibitory *status quo* has been granted in respect of the property.

6. Be that as it may, the appeal and the application shall be heard together on the returnable date.

7. The appellants shall serve copies of the application and the Memorandum of Appeal on the plaintiff-respondent no. 1, indicating that the appeal and the application shall be taken up together on November 25, 2025, when the matter shall be listed under the heading "Application".

8. The appellants shall file an affidavit-of-service to that effect on the returnable date.

9. Along with the application and the Memorandum of Appeal, a server copy of this order shall also be served on the plaintiff-respondent no. 1. The same shall be construed to be notice of the appeal itself.

10. Service of notice of appeal and the application on the proforma respondent nos. 2 to 14 is dispensed with since no relief has been sought for against the said respondents.

11. Formal filing of paper books and calling for the trial court records is dispensed with.

(Supratim Bhattacharya, J.) (Sabyasachi Bhattacharyya, J.)