

D/L.15.
October 27, 2025.
MNS.

FMA No. 1464 of 2025
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CAN 1 of 2025

Abdul Alim
Vs.
Asraful Hoque and others

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal

... for the appellant.

1. The present appeal arises out of an order allowing an application for temporary injunction filed in a suit at the instance of the plaintiffs/respondent nos. 1 to 3 and rejecting the application filed by the defendant no. 1/appellant for completing the construction as well as storage of construction materials in respect of the portion of the property allegedly occupied by the defendant no. 1/appellant.
2. Learned counsel for the appellant submits that the common vendor of the appellant and the respondents, by separate deeds, sold out clearly demarcated separate portions of the vendor's property to the parties respectively.
3. Moreover, whereas the other purchasers, being parties to the suit, are already in occupation of their respective portions of the properties and have made constructions, when the defendant no.

1/appellant started making construction on his exclusive portion, the injunction impugned herein was granted and consequentially, the prayer of the defendant no. 1/appellant to complete his construction was rejected.

4. Since a *prima facie* case has been made out with regard to the hearing of the appeal on the above question, the appeal is admitted and shall be heard on the above question and the other grounds as taken in the Memorandum of Appeal as well.
5. The appellant shall serve copies of the Memorandum of Appeal and the application on the plaintiffs/respondent nos. 1 to 3 indicating that the application shall next be listed on November 10, 2025 under the heading "Application".
6. The appellant shall file an affidavit-of-service to that effect on the returnable date.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)