

03.04.2023
Item No.13
Court No.32
Avijit Mitra

**FA 61 of 2022
with
IA No. CAN 1 of 2023**

**Sri Sukumar Paul @ Sukumar Pal
- Versus -
Sri Uttam Pal & ors.**

Mr. Indranath Mukherjee,
Md. Manwar Ali,
Ms. Moumita Karmakar
.....for the appellant
Mr. Santimoy Bhattacharya
...for the respondent nos.1, 3 and 6

Affidavit of service filed by the appellant be kept on record.

In re : IA No. CAN 1 of 2023

This application has been filed praying for an order of injunction.

Mr. Mukherjee, learned advocate appearing for the appellant submits that the respondents are going to change the nature and character of the suit properties and they are also taking steps to alienate the property and hence, an order of injunction is required to be passed.

Mr. Bhattacharya, learned advocate appearing for the respondent nos. 1, 3 and 6 denies and disputes such contention.

Heard the learned advocate appearing for the respective parties and considered the materials on record placed before us.

Prima facie, an arguable case has been made out by the appellant in the present appeal and unless the *interim* order of injunction as prayed for, is granted, the appellant shall suffer substantial loss.

In view thereof, the parties are directed to maintain *status quo* with regard to the nature, character and possession of the suit property as on date till the disposal of the appeal.

The parties are also restrained from creating any third party interest in the suit property in any way and/or manner whatsoever till the disposal of the appeal.

The application being IA No. CAN 1 of 2023 is thus disposed of.

Let hearing of the appeal be expedited.

As Mr. Bhattacharya, learned advocate enters appearance on behalf of the respondent nos.1, 3 and 6, service of notice of appeal upon the said respondents is dispensed with.

The appellant is directed to put in the requisites for effecting service of notice of appeal upon the other respondents, within two weeks.

Lower Court Records be called for through Special Messenger at the cost of the appellant. Such costs shall be deposited within two weeks from date.

Immediately, after arrival of the Lower Court Records, the office shall examine the same and, if found complete, shall issue notice of arrival of Lower Court Records to the learned advocate for the appellant.

The appellant is directed to prepare requisite number of informal paper books-printed, typewritten or cyclostyled, as the case may be, out of Court and to file the same, within four weeks from the date of service of notice of arrival of Lower Court Records.

All formalities regarding preparation of paper books are dispensed with but the learned advocate for the appellant is directed to incorporate all the relevant documents in the informal paper books.

Liberty to mention.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)