

D/L.27.
February 24, 2026.
MNS.

FA No. 9 of 2025
+
CAN 2 of 2025
+
CAN 3 of 2026

Prakash Chandra Prodhan and another
Vs.
Shayama Pada Maity, since deceased, his
legal heirs and representatives Smt. Namita
Maity and others

Ms. Malyasree Maity,
Mr. Nishant Kumar,
Ms. Fardeen Hossain

...for the respondents.

Re : CAN 3 of 2026 (substitution)

1. Although none appears for the appellants at the time of call, in view of the innocuous nature of the prayer in CAN 3 of 2026, we take up the same in presence of learned counsel for the appearing respondents.
2. It transpires from the averments made in the said application that the respondent no. 2 in the appeal, namely, Ashoke Kumar Maity, has died on December 9, 2025.
3. Since the application is in form and in time, CAN 3 of 2026 is allowed, thereby directing the heirs and legal representatives of the deceased respondent no. 2- Ashoke Kumar Maity, as mentioned in the cause title of the present application, to be substituted in F.A. 9 of 2025 as respondents in place and stead of the said deceased.

4. The necessary consequential amendments to the cause title of the memorandum of appeal shall be carried out by the office within a fortnight from date.
5. There will be no order as to costs.

Re: CAN 2 of 2025 (injunction application).

6. Since none appears for the appellants, we take up CAN 2 of 2025 filed by the respondents in the absence of the appellants.
7. We find from the order dated April 21, 2025, that on the prayer of the appellants, we had granted injunction restraining the respondents and/or their men and agents from transferring, alienating and/or creating any third party interest in respect of the suit property till disposal of the appeal.
8. A similar injunction against the appellants has been sought in the present application.
9. From the averments made in the application, we find sufficient *prima facie* case having been made out as well as the balance of convenience and inconvenience being in favour of grant of injunction.
10. Moreover, since the appeal arises out of a partition suit, any change of nature and character or transfer and/or alienation of the suit property during pendency of the appeal may cause irreparable injury to the parties.
11. Accordingly, CAN 2 of 2025 is allowed, thereby restraining the appellants and/or their men and agents, from transferring, alienating and/or creating any third party

interest in respect of the suit property till disposal of the appeal.

12. There will be no order as to costs.

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