

D/L.36.
June 11, 2025.
MNS.

FA No. 188 of 2024
+
CAN 1 of 2025

M/s. Shiv Narayan Ram Narayan Company,
a partnership firm, represented by Sushil
Kumar Kaushik and another
Vs.
Krishna Kumar Mimani and others

Mr. Shubham Gupta,
Mr. Rajsekhar Bal Bakshi

... for the appellants.

Mrs. Pampa Dey (Dhabal),
Ms. Sangita Banerjee

...for the respondent no. 1.

Re : CAN 1 of 2025 (injunction)

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite service, none appears for the respondent nos. 2 and 3.
3. Upon hearing learned counsel for the appearing parties, we find that a sufficient arguable question has been made out for hearing of the appeal on merits.
4. Accordingly, CAN 1 of 2025 is allowed, thereby restraining the respondents and/or their men and agents from transferring, alienating, encumbering and/or parting with possession in respect of the suit property and/or creating any third party interest in respect thereof in any manner till disposal of the appeal.

5. There will be no order as to costs.

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6. The appellants shall put in requisites for service of notice of the appeal on the respondent nos. 2 and 3 within a week from date.

7. In view of appearance on behalf of the respondent no. 1 through his advocate, service of notice of the appeal on the respondent no. 1 is dispensed with.

8. The trial court records shall be brought by special messenger at the cost of the appellants, also to be deposited within a week.

9. The appellants shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellants.

10. Liberty to the parties to mention the appeal for inclusion in the list for hearing as and when the same is made ready for hearing.

(Uday Kumar, J.)

(Sabyasachi Bhattacharyya, J.)