

1<sup>st</sup> December,  
2025  
(AK)  
07

**S.A.T 241 of 2025**  
**IA No: CAN 1 of 2025**

Ranajit Kumar Manna  
Vs.  
Aparna Manna and others

Mr. Aniruddha Chatterjee  
Mr. Rahul Karmakar  
Mr. Sib Sankar Dey  
Mr. Shounak Mondal

....for the appellant.

1. This appeal will be heard on the following substantial questions of law:-
  - i) Whether both the courts below substantially erred in law in refusing to grant a decree of eviction despite the counter claim of the defendants, claiming title, having been dismissed.
  - ii) Whether, in view of the categorical concurrent findings of both the courts below that the defendants have failed to prove any legal right of possession in respect of the suit property, the courts below committed a perversity in refusing to grant a decree of eviction on the extraneous ground of limitation, which is not applicable in the facts and circumstances of the case.

2. The appellant shall serve copies of CAN 1 of 2025 on the respondents, indicating that the application shall be listed before the appropriate learned Single Judge having determination, after the timeline given hereunder for filing of affidavits is over.
3. The appellant shall file affidavit-of-service in that regard on the returnable date before the learned Single Judge.
4. Affidavit-in-opposition to the application, if any, shall be filed within three weeks from date. Reply, if any, shall be filed by January 2, 2026.
5. Liberty to the parties to mention before the learned Single Judge having determination then for inclusion of the application in the list.
6. The respondents and/or their men and agents shall remain restrained by an order of injunction from selling, transferring, alienating, encumbering and/or creating any third party interest in respect of the suit property and/or from changing the nature and character of the suit property till disposal of the application.
7. It is made clear that the prayer regarding direction on the respondents to allow the meter readers to take meter reading, since cannot be granted at this stage without hearing the respondents, is not being granted at the *ad interim* stage.

8. However, it will be open to the appellant/petitioner to seek such prayer at the final disposal of the injunction application, upon service of notice on the respondents.

**(Sabyasachi Bhattacharyya, J.)**

**(Supratim Bhattacharya, J.)**