

05.03.2025

Item no.DL120
Court No. 16

Asraf, A.R.(Ct.)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Case No.

FAT 552 of 2025
with
CAN 1 of 2026

In the matter of :

MADHAB RANJAN MANNA

...Appellant

VS.

PURNA CHANDRA MAITY

...Respondent

For the Appellant :

Mr. R. N. Mahato

Mr. A. S. Ray

...Advocates

1. The present appeal has been preferred against a final decree of partition.
2. Since the appeal involves questions of fact and law, we are of the opinion that a *prima facie* case has been made out for hearing the appeal on merits.
3. Accordingly, the parties shall maintain *status quo* as regards physical possession in respect of the suit property till disposal of the application.
4. There shall be stay of operation of the impugned decree, also till disposal of the application.
5. The appellant shall serve a copy of CAN 1 of 2026 on the respondent indicating that the application shall next be listed for hearing in the Monthly List

of April, 2026, when an affidavit of service to that effect shall be filed by the appellant.

6. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties expeditiously upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Md. Shabbar Rashidi, J.)