



SDL.51.
February 5, 2026.
MNS.

FMA No. 8 of 2026
+
CAN 1 of 2025

Anisur Rahaman (Minor) represented by his
mother and next friend Kariba Bibi
Vs.
Hafizur Rahman and another

Mr. Kaustav Banerjee,
Ms. Ria Kundu

... for the appellant.

Mr. Pratip Kumar Chatterjee, Sr. Adv.,
Mr. Ashish Deb,
Mr. Tridip Mishra,
Ms. Maitrayee Chatterjee

...for the respondent no. 1.

1. Learned senior counsel appearing for the contesting respondent no. 1 submits that under the Mohammedan Law, the mother of a minor cannot represent the latter.
2. Moreover, it is submitted that before the injunction order was passed, substantial construction had already been completed on the suit property.
3. In order to bring all relevant facts on record, we direct the contesting respondent no. 1 to file his affidavit-in-opposition to the application within February 20, 2026.
4. Affidavit-in-reply thereto, if any, shall be filed within February 27, 2026.
5. Although the point of maintainability, insofar as the capacity of the appellant-mother to represented her minor son, was not taken in the trial court, since it is a pure



question of law, such question is kept open for being decided at the time of final hearing of the application.

6. The matter shall next be listed in the monthly list of March, 2026.

(Biswaroop Chowdhury, J.) (Sabyasachi Bhattacharyya, J.)