

D/L.23.
January 20, 2026.
MNS.

FA No. 91 of 2025
+
CAN 2 of 2025

Soma Guha and another
Vs.
Md. Arif and another

Mr. Supratim Laha,
Mr. Dilip Kr. Mondal,
Ms. Suchitra Sur

... for the appellants.

Mr. Anshunath Chakraborty

...for the respondents.

1. The present appeal arises out of the dismissal of a suit for specific performance of contract filed by the plaintiffs/appellants.
2. Learned counsel for the appellants, by placing reliance on the annexures to the present application, submits that during pendency of the suit, the plaintiffs were enjoying injunction restraining the defendants/respondents and their men and agents from creating any third party interest over the suit flat and from alienating the suit flat and maintaining *status quo* in the suit flat in respect of the possession of the plaintiffs.
3. Learned counsel appearing for the respondents submits that an independent eviction suit is pending against the appellants. In the said suit, in view of the failure of the plaintiffs/appellants herein to make deposit as contemplated in Sections 7(1) and 7(2) of the West Bengal

Premises Tenancy Act, 1997, the suit is about to proceed *ex parte*.

4. Learned counsel for the plaintiffs submits that the plaintiffs/appellants herein had taken out an application under Section 151 of the Code of Civil Procedure for stay of such suit, which being dismissed, a challenge was preferred before this Court and, in connection with the said challenge, at present there is a subsisting stay order in respect of the eviction suit.

5. Be that as it may, in order to get a complete picture of the factual background, the respondents are directed to file their affidavit-in-opposition to CAN 2 of 2025 within a fortnight from date. Affidavit-in-reply thereto, if any, shall be filed within a week thereafter.

6. The application shall next be listed for hearing on February 17, 2026.

7. The respondents and/or their men and agents shall remain restrained by an order of injunction from selling, transferring, alienating, encumbering and/or from creating any third party interest and/or from disturbing the peaceful possession in the enjoyment of the plaintiffs in respect of the suit property till disposal of the application.

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