

OD-15

ORDER SHEET

IA NO. GA/1/2021

In

CS/153/2021

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

ABDUL HADI AND ORS.

Vs

QADRI DAWAKHANA AND ORS.

BEFORE:

The Hon'ble JUSTICE SHEKHAR B. SARAF

Date : 22nd February, 2022

(Via Video Conference)

Appearance:

Mr. Rupak Ghosh, Adv.

Mr. Avijit Roy, Adv.

Mr. Indrajit Sen, Adv.

Mr. S. Medda, Adv.

The Court: Heard Counsel appearing on behalf of the petitioner as well as the respondent nos. 2 to 7.

Counsel appearing on behalf of the petitioner has submitted that several properties are involved in this matter which are in relation to the joint properties owned by the plaintiffs and the defendants. He further submits that in spite of an award of Panchayat passed in the year 2014, the defendant respondents are alienating a portion of the properties without having fully

complied with the settlement that was reached between the parties by way of the above award.

Counsel on behalf of the respondent submits that payments are being made as per the award. He fairly submits that the lumpsum payments that were required to be made have not been made in toto and they are willing to make these payments. He further submits that they are running the Dawakhana business and accordingly they should not be disturbed in any manner from carrying on their business.

Having heard Counsel appearing on behalf of the parties, I am of the view that affidavits are required to be exchanged and the respondents should indicate as to how and in what manner they will fulfil the award. Affidavit-in-opposition be filed within four weeks from date; reply thereto, if any, within one week thereafter. Liberty granted to the parties to mention for inclusion in the list.

In my view, it is necessary that parties including the plaintiffs should be restrained from transferring any property till this matter is resolved. Accordingly, let there be orders in terms of prayers (a) and (c) of the Notice of Motion.

I make it clear that the plaintiff shall not in any manner disturb the running of the Dawakhana.

I also make it clear that the submissions made by both the parties are without prejudice to their rights and contentions. It is further made clear that the award that has been referred to above appears to be only with reference to

the Dawakhana and certain properties in the Kolkata region. The said award is not in reference to the other properties which form part of the joint family.

The interim order to continue till June 30, 2022.

(SHEKHAR B. SARAF, J.)

R.Bhar