

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

FAT/6/2025
IA NO: CAN/1/2025

Smti. R. Vijay Laxmi
Vs.

Smti. R.Satyanarayanamma & Ors.

Mr. K.M.B. Jayapal ... for the appellant

Mr. Rakesh Pal Gobind ... for the respondents

July 08, 2025
[AKB]
Item No.22

The appellant has preferred the present appeal against the judgment and decree passed by the learned Civil Judge Senior Division at Port Blair in Title Suit No.35 of 2023 dated 02.07.2025.

Learned Counsel for the respondents submits that the appeal is not maintainable as the point with regard to jurisdiction of this Court whether this Court can hear the appeal is pending before the Hon'ble Supreme Court.

Considering the submission made by the learned counsels for the respective parties, the appeal is admitted subject to the result of the Special Leave Application pending before the Hon'ble Supreme Court.

The appellant has also filed an application being CAN/1/2025 praying for stay of the operation of the judgment and decree passed by the learned Civil Judge Senior Division at Port Blair. The main contention of the appellant that after the judgment passed by the learned Civil Judge Senior Division, Port Blair the appellant has

started construction over the suit property and there is every chance that they will alienate the property in favour of third party.

Mr. Rakesh Pal Gobind, learned advocate appearing for the respondents has filed the affidavit-in-opposition and draw the attention of this Court to the photographs enclosing with the Affidavit-in-opposition at page 47 to 53 and submits that the construction has already been completed and the respondent is in occupation of the premises and he submits that one flat is already lying vacant being the share of the appellant.

Mr. K.M.B. Jayapal, learned advocate appearing for the appellant submits that during the pendency of the suit there was an order of *status quo* and the same was continued till the disposal of the suit.

In view of the above, the parties are directed to maintain *status quo* with regard to nature, character and possession of the property as on date till the disposal of the suit.

CAN/1/2025 is disposed of.

The Trial Court Record may be call for.

The appellant is directed to prepare requisite number of paper books within four weeks and to serve the copy to the learned Counsel for the respondent.

Liberty to mention upon notice to the other side.

(Krishna Rao, J.)