

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Supratim Bhattacharya

FMAT 134 of 2025
IA No: CAN 2 of 2025

Smt. Rita Dutta and another
Vs.
Smt. Sharmila Daw (Nee Dutta) and others

For the appellants : Mr. Tanmoy Mukherjee,
Ms. Shomitra Das,
Mr. Souvik Das,
Mr. Shomrik Das

For the respondent no.1 : Mr. Mani Sankar Chattopadhyay,
Mr. S. Chatterjee

Heard on : 03.08.2026

Judgment on : 03.08.2026

Sabyasachi Bhattacharyya, J.:-

Re: CAN 2 of 2025

1. This appeal arises out of the dismissal of an injunction application filed at the behest of the appellants in a suit filed by the appellants, primarily seeking cancellation of a gift deed executed by the mother of the parties in favour of the respondents.

2. The present application has been filed by the respondents seeking an injunction restraining the plaintiffs/appellants from creating any obstruction towards the free ingress and egress of the defendant/respondent no.1 to the suit property.
3. Since the parties are apparently in joint possession of the property, CAN 2 of 2025 is disposed of by restraining both parties from preventing the ingress and egress of each other to the suit property during pendency of the appeal.
4. There will be no order as to costs.

Re: FMAT 134 of 2025

5. At this juncture, learned counsel for the parties submit jointly and on instructions that in the event the two injunction orders passed in connection with appeal be maintained till disposal of the suit, the appeal itself may be disposed of.
6. Accordingly, FMAT 134 of 2025 is disposed of by setting aside the impugned order, bearing Order No. 15 dated March 18, 2025 passed by the learned Judge, Tenth Bench, City Civil Court at Calcutta in Title Suit No. 2026 of 2022, restraining both parties from selling, transferring, alienating, and/or creating any third party interest in respect of the suit property and/or preventing the ingress and egress of each other in respect of the suit property till disposal of the aforesaid suit.
7. It is made clear that the merits of the respective contentions of the parties in the suit has not been entered into and it will be open to the

learned Trial Judge to dispose of the suit independently on its own merits, without being influenced unnecessarily by any of the observations made herein or in the impugned order.

8. There will be no order as to costs.
9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Supratim Bhattacharya, J.)