13th November,
2026
(AK)
06

FMA 874 of 2026
IA No: CAN 1 of 2026

Indrani Banerjee
Vs.
Deb-Rupayan Housing Company Limited and others

Mr. Prasad Bhattacharyya
Mr. Prantick Ghosh
....for the appellant.

1. The instant appeal is directed against an order passed on June 3, 2026.
2. By such order, the learned Court refused the prayer made on behalf of the defendant no.9 for variation of an order of injunction passed by the learned Trial Court.
3. The defendant no.9 claims to have purchased a portion of the suit properties from one of the co-sharers.
4. The learned Advocate appearing for the appellant submits that the appellant purchased a specific portion in the suit land from one of the co-sharers in the property.
5. However, he does not deny that the property was not partitioned prior to his purchase.
6. In a suit for partition being Title Suit No.320 of 2025 earlier, an ad interim order directing all the

parties to the suit to maintain a *status quo* in respect of the suit property was passed.

7. The appellant, being the defendant no.9 in the suit, preferred an application under Order XXXIX Rule 4 of the Code of Civil Procedure seeking variation of the order of *status quo*.

8. Such application filed on behalf of the present appellant was rejected by the learned Trial Court.

9. Considering the application so filed on behalf of the appellant, the learned Trial Court observed that the defendant no.9 is a co-sharer of the suit property.

10. The boundary of the land-in-question is not definite and the defendant no.9 also could not produce any document to show that his vendor was holding a definite demarcated portion out of which a definite and detracted portion was sold to the present appellant, being defendant no.9.

11. It is evident that the appellant purchased the share of an erstwhile co-sharer in the suit properties without any partition by metes and bounds.

12. In such circumstances, we find no reason to interfere with the impugned order rejecting the application under Order XXXIX Rule 4 of the Code of Civil Procedure filed on behalf of the present appellant.

13. Accordingly, FMA 874 of 2026 stands dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

14. Consequentially, CAN 1 of 2026 also stands disposed of.

15. There will be no order as to costs.

16. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Md. Shabbar Rashidi, J.)