

GAHC010109402022



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : FAO/35/2022

NECON AND ASSOCIATES

A PROPRIETORSHIP CONCERN HAVING ITS OFFICE AT REHENA MANSION,
RATAN DEWAN ROAD, ULUBARI, GUWAHATI 781007 AND HOTEL PLAZA
INN, GMCH ROAD, BHANGAGARH, GUWAHATI 781005, DIST KAMRUP M ,
REPRESENTED BY ITS PROPRIETOR BABUL CHOUDHURY, AGED ABOUT
50 YEARS, RESIDENT OF SOUTH SARANIA HILL VIEW ROAD, KAMRUP M
ASSAM

VERSUS

SANTASHREE ROY DAS AND ANR.
W/O MR. JITEN CHANDRA DAS,
RESIDENT OF D-2 JIA BHOROLLI APARTMENT, NAVAGIRI PATH,
CHANDMARI, GUWAHATI 781003, KAMRUP M ASSAM

2:MS PRIYA DAS

D/O MR. JITEN CHANDRA DAS

RESIDENT OF D-2 JIA BHOROLLI APARTMENT
NAVAGIRI PATH
CHANDMARI
GUWAHATI 781003
KAMRUP M ASSA

Advocate for the Petitioner : MR. N ALAM

Advocate for the Respondent : MR. B DEKA (R-1,2)

Linked Case : I.A.(Civil)/1615/2022

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KAMRUP M ASSAM

Advocate for : MR. N ALAM
Advocate for : appearing for SANTASHREE ROY DAS AND ANR.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

30.06.2022

Heard Mr. N. Alam, the learned counsel for the appellant and Mr. B. Deka, the learned counsel for the respondent Nos. 1 & 2.

The instant appeal is directed against the order dated 31.05.2022 passed in Misc.(J) Case No.412/2022, arising out of the T.S. No.317/2022 by the Court of the Civil Judge No.2, Kamrup (M) At Guwahati whereby the court below taking into consideration that there was urgency had issued notice upon the respondents herein and fixed 18.07.2022 for SR/objection.

The case of the appellant herein is that the appellant apprehends that the respondent would forcefully enter into the Schedule-B flat to the plaint without execution of registered deed of sale as well as payment of the balance amount.

On the other hand, Mr. B. Deka, the learned counsel for the respondents submits that admittedly the appellant is in possession of the Schedule-B flat and the apprehension of the appellant is totally misconceived inasmuch as there is no intention of the respondent Nos. 1 & 2 to forcefully enter into the Schedule-B flat.

Taking into consideration that the injunction proceedings are presently pending before the Court of the Civil Judge No.2, Kamrup (M) At Guwahati, this Court does not want to enter into the merit of the dispute as regards the entitlement of the injunction.

However, taking into consideration the apprehension of the appellant and the submission made by the counsel for the respondents that the apprehension is totally misconceived, this Court is of the opinion that till the disposal of the injunction proceedings, the *status-quo* as regards the possession of the Schedule-B flat shall be maintained.

The learned counsel for the respondents submits that they would be filing their written objection without fail on 18.07.2022 to the injunction application. Taking into account that this Court had directed that the *status-quo* be maintained as regard the possession of the Schedule-B flat till the disposal of the injunction proceedings, this Court further directs the Court of the Civil Judge No.2, Kamrup (M) at Guwahati to dispose of the said injunction proceedings on or before 18.08.2022.

The observation made herein above shall not prejudice the court below while deciding the injunction proceeding.

With the above observation, the instant appeal stands disposed of.

JUDGE

Comparing Assistant