

**In the Court of the Civil Judge (Senior Division) 2nd Court,
Asansol, Paschim Bardhaman**

JO Code WB00965

Title Suit No.56/2026

order-02

Dated: 18.03.2026

Record is put up today by filing of petition by Plaintiff. No caveat is pending as per report of Sherestadar (in charge).

Learned Advocate for the plaintiff moves an application under Order 39 Rule 1 & 2 of Code of Civil Procedure and prays for an order of ad-interim injunction. Heard submission of Learned Lawyer for the plaintiff.

Perused the injunction application, plaint, documents filed and material on record.

Plaintiff in the plaint has asserted himself to be co-owners in the schedule property along with defendants. The property previously belonged to father and mother of plaintiff and defendant no.1, 2, 3 and predecessor of defendant no.4 to 6. A schedule property was purchased by mother of plaintiff namely Lalita Devi by virtue of registered sale deed in the year 1980. Schedule 'A' property is recorded in the name of plaintiff and defendant no.1 and 3. After his demise of original owners the parties inherited the properties. It is alleged by Plaintiff that defendant no.1 to 4 are trying to raise construction over the 'A' schedule property. So, finding no other alternative Plaintiff has been constrained to file this suit for partition and at this stage is praying for an order of ad-interim injunction against the defendants.

On perusal of application, materials on record and documents filed by Plaintiff, apparently it appears that schedule 'A' property belonged to Lalita Devi now deceased. After her demise parties are the legal heirs and successors. So, there is jointness of title of the Plaintiff and defendants in the A schedule property. Documents prima facie suggest a strong case in favour of Plaintiff. There are triable issues which makes a prima facie case to go into the trial. The aspect of balance of convenience and inconvenience is also found to be tilted in favour of Plaintiff because if any construction is raised over schedule 'A' property then Plaintiff will suffer irreparable loss and injury. Considering the nature of dispute and to avoid future complications which may give rise to multiplicity of proceeding and also taking into account of the urgency of the situation, I am inclined to grant an order of injunction for an interim period till hearing from the side of defendants.

Hence,

it is

ORDERED

That ad interim injunction prayer is **allowed for a limited period.**

That Plaintiff and defendant no.1 to 4 are directed to maintain status quo with respect to the possession, nature and character of the schedule 'A' property as exists today till **17.04.2026.**

Issue notice upon defendant no.1 to 4 to file show-cause within 15 days from receiving of the notice as to why the temporary injunction as prayed by Plaintiff shall not be granted.

Plaintiff are directed to comply provision of u/o-39 rule-3 (a) and 3 (b) of Civil Procedure Code.

Plaintiff are directed to file requisites at once.

To date for S/R and A/D appearance of defendants.

**Sd/-
Civil Judge (Sr Division)
2nd Court, Asansol**