

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE
5TH COURT, BARASAT, NORTH 24-PARGANAS**

**Present : Smt. Manjusri Mondal
(J.O. Code No.WB00614),
Ld. Additional District Judge,
5th Court, Barasat,
North 24-Parganas.**

Misc. Appeal -117 of 2026

Order No. 03, dated 15.07.2026

The record is put up today for hearing the petition praying for interim injunction being aggrieved from the order passed by the Ld. Civil Judge(Sr.Divn), 1st Court, Barasat in T.S. No. 703 of 2026 vide order dated 02.07.2026.

No caveat is pending till date as it reveals from the report of the concerned clerk.

Perused the petition u/o. 39 Rules 1 & 2 r/w/s 151 CPC filed by the appellant, along with the order passed by the Ld. Civil Judge(Sr.Divn),1st Court, Barasat. The appellant also filed certain documents such as registered deeds in the name of the appellant along with other relevant documents upon which the appellant is relying.

The Ld. Advocate for the appellant submitted that the Ld. Trial Court has refused the prayer for restraining the defendant no. 1 from grabbing the entire A schedule property by ousting the plaintiff, changing the nature and character of the same by erecting any further construction thereon.

Having considered the submission of the Ld. Advocate for the appellant and on minute scrutiny of the materials on record, it transpires that this is a suit for partition and both the parties in the suit are admittedly co-sharers/co-tenant over the suit property, the dispute has arisen on the basis of the alleged erroneous L.R.R.O.R and the defendant trying to grab the property. At this juncture, the plaintiff/petitioner has filed this case along with a prayer for a restraining order u/o 39 Rules 1 & 2 r/w/s 151 CPC.

It appears from the record that the suit property is not partitioned and still undivided, as per submission of the appellant/plaintiff, the balance of convenience and inconvenience is inclined towards the plaintiff.

Having considered the above context and minute scrutiny of the documents supplied, in my considered opinion, I find that the purpose of the enactment under Order 43 rule 1(r) CP Code is to protect the rights of the parties, preventing potential prejudice later. For the protection of the suit property and to avoid any future multiplicity of proceedings, I am inclined to hold that the appellant has merit in this Misc. Appeal.

Hence, it is

ORDERED

that the prayer for interim injunction u/o. 39 Rules 1 & 2 r/w/s 151 CPC is allowed till the next date i.e. on **10.08.2026**.

Both the parties i.e. the petitioner/appellant and the respondent no. 1 to the suit are directed to maintain **status quo** in respect of the suit properties till the next date I. e. **10-08-2026** without changing the nature and character of the suit property until further order.

Issue notice upon the respondent no. 1 at once directing him to show cause by **10-08-2026**.

The appellant/plaintiff is directed to comply with the provisions u/o. 39 Rules 3(a) & 3(b) of CPC.

Requisites at once.

Dictated and Corrected by me,
A.D.J, 5th Court, Barasat

Additional District Judge,
5th Court, Barasat