

Partition Suit - 299/2026

Order No.03, dated 04.07.2026.

The case record is put up today on a petition filed by Ld. Advocate for the plaintiffs with a view to move the petition for ad-interim injunction earlier filed under Order 39 Rule 1 & 2 rws 151 of CPC.

Seen the caveat note given by the Sheristadar to the effect that no caveat is pending against the plaintiffs.

Heard Ld. Advocate for the plaintiffs.

Perused the plaint, petition under Order 39 Rule 1 & 2 rws 151 of CPC and the documents filed.

The case of the **plaintiffs** in short is as follows:-

The plaintiffs and the **defendants** are the co-sharers of the property described in the schedule of the instant injunction petition which has not yet been partitioned amongst them by metes and bounds. The plaintiffs contended that **defendant Nos. 1-4** are trying to change the nature, character and possession of the suit property. Contending the aforesaid facts, the plaintiffs have prayed for an order of ad-interim injunction ex parte against the **defendant Nos. 1-4**, so that they may not do the aforesaid acts till the disposal of this suit or till further order.

After going through the instant petition, plaint and hearing the submission of Id. lawyer for the plaintiffs it appears to me that the suit property is an ejmal property, which has not yet been partitioned by metes and bounds amongst its co-sharers.

Considering all the facts and circumstances, I am of the view that the plaintiffs have been able to make out a good prima facie case against the **defendant Nos. 1-4** and any change in nature and character of the property mentioned in the schedule of the petition at this stage may cause irreparable loss and injury to the plaintiffs and thus the balance of convenience and inconvenience also lies in favour of the plaintiffs. Plaintiffs have also been able to show urgency to get an order for ad-interim injunction ex parte.

Hence, it is

ORDERED

that the petition filed by the plaintiffs under Order 39 Rule 1 & 2 rws 151 of CPC is allowed ex parte, however in the form of status quo.

defendant Nos. 1-4 are directed not to raise any construction over the suit property, not to create any third party interest over the suit property and not to disturb the peaceful possession of the plaintiffs over the suit property in any manner until further order.

Issue notice upon **defendant Nos. 1-4** asking them to show-cause within 15 days from the date of receipt of notice as to why the plaintiffs' prayer for temporary injunction shall not be granted.

Requisites at once.

Plaintiffs to comply with the provisions of Order 39 Rule 3(a) and 3 (b) of CPC.

Dealing Assistant is directed to issue all the requisites as soon as the requisites are filed.

To 04.08.2026 for S/R of notice upon the **defendant Nos. 1-4**.

D/C by me,

(S. Chatteraj)

C.J., (Sr. Divn.), 1st Court, Bmp., Msd.

C.J., (Sr. Divn.), 1st Court, Berhampore, Msd.