

T.S. No. 718 of 2026
CNR: WBHW03-000849-2026

Later

Date : 15.06.2026

Plaintiff's application praying for temporary injunction, including a prayer for ad-interim injunction u/o. 39 r. 1 and 2 read with Sec. 151 of the Code of Civil Procedure. is taken up for hearing.

Heard the Ld. Advocate for the plaintiff, Perused the application and the documents filed by the plaintiff.

Considered.

Issue notice upon the defendants calling upon them to show cause within 15 days from the date of receipt of the notice as to why the prayer for temporary injunction shall not be granted against them.

Requisite at once.

No caveat is pending as per the note of the Sheristadar.

It is the case of the plaintiff that he is the absolute owner and is in exclusive physical possession of the suit property. The plaintiff acquired valid legal title to the suit property by the registered deed of gift being no. 2953/2026 executed by the defendant no.1. Despite transferring the suit property willingly, the defendant no.1 instigated by the defendant no.2 have started creating immense pressure upon the plaintiff to vacate the suit property. They also have threatened to oust the plaintiff from his lawful possession. On 10.06.26 when the plaintiff requested the defendants to maintain peace, they became furious and also threatened to take the plaintiff's possession from the suit property. Thereafter the plaintiff filed a written complaint before the C.P. Howrah and initiated an M.P. case before the 2nd Executive Magistrate Howrah. Thereafter the plaintiff went to Local P.S. to lodge G.D. but they refused to lodge the same. Now the defendants are trying to change the nature of the suit property and also to evict the plaintiff from the said property. So, the plaintiff finding no other option filed the instant suit.

Now, the Ld. Advocate for the plaintiff prays for passing an ad-interim order of injunction so that the defendants are restrained from disturbing the peaceful possession of the plaintiff in respect of the suit property and also from changing the nature and character of the said property and also from evicting the plaintiff from the said property without due process of Law.

The plaintiff has filed a number of documents in support of his case.

Heard the Ld. Advocate for the plaintiff.

Perused all the document submitted by the plaintiff.

Later Contd...

Date : 15.06.2026

After going through the averment made in the plaint as well as injunction application and considering the documents filed by the plaintiffs I am of the opinion that the plaintiff has established a good prima facie case to go to the trial. This court is also of the opinion that the plaintiff has a fair question raising the existence of the right and he can satisfy the court regarding the existence of the alleged right in his favour, at the time of final hearing and in the meantime, the property in dispute should be preserved in its present actual condition.

Moreover, considering the above facts this Court is of the opinion that at this stage an order of “status quo” will be appropriate.

Hence, it is

ORDERED

that both the plaintiff and the defendants, are hereby directed not to change the nature, character and possession of the suit property as it stands on this day till 14.07.2026.

Plaintiffs is directed to comply with the provisions of Or-39 R-3 (a) & (b) CPC.

Requisites at once.

Civil Judge(Jr. Divn.) 1st Court, Howrah

J.O. Code No. WB01426