

MHJN040008762024	R.C.S. No.89/2024 Meena Vs Bijlabai
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**ORDER BELOW EXH - 5**  
(Passed on 4<sup>th</sup> April 2026)

This is an application filed by the plaintiffs under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure for temporary injunction restraining the defendants from dispossessing the plaintiffs from the portion of the suit house and from alienating the suit property till disposal of the suit.

2. The plaintiffs have filed the suit for partition and separate possession to the extent of 1/3rd share in the suit house bearing N.P.H. No. 18-70-248 admeasuring 144 Sq. Mtrs situated at Thakur Nagar, Ambad and for perpetual injunction.

3. The case of the plaintiffs in brief is that plaintiff No.1 is the widow and plaintiff Nos.2 and 3 are minor children of deceased Pramod Hond. The defendants are mother and brother of deceased Pramod Hond. According to plaintiffs, the suit house was in the name of deceased Pramod Hond and after his death, defendant No.1 got mutated the property in her name. The plaintiffs contend that the suit property is joint family property and they are residing in a portion of the suit house. It is alleged that after the death of Pramod Hond, defendants started threatening the plaintiffs to vacate the house and also attempting to alienate the suit property. Hence present application.

4. Though served, the defendants have not filed written statement nor reply to the injunction application. The plaintiffs have produced on record marriage certificate, documents relating to suit house property, 7/12 extract and permission for construction of house.

5. Heard. Learned Advocate for plaintiffs filed written arguments. Following points arose for my determination. Findings for them alongwith the reasons thereof are as under –

Sr. No.	POINTS	FINDINGS
1.	Whether the plaintiff has prima facie case?	In affirmative
2.	Whether balance of convenience lies in favour of the plaintiff ?	In affirmative
3.	Whether the plaintiff will suffer irreparable loss, if temporary injunction is not granted in their favour?	In affirmative
4.	What order?	Application is allowed

**-REASONS-**

**As to point no. 1 to 4 -**

6. At the stage of deciding temporary injunction, the Court is not expected to conduct detailed inquiry into title, however the Court has to see whether the plaintiffs have prima facie case. The documents placed on record show that plaintiff No.1 is legally wedded wife of deceased Pramod Hond and plaintiff Nos.2 and 3 are his children. The documents regarding suit house and pleadings show that plaintiffs are residing in the suit house. The relationship between the parties is also not disputed at this stage as defendants have not filed written statement.

7. Being widow and children of deceased Pramod Hond, the plaintiffs have prima facie right in the suit property and at least a right of residence and share in the property cannot be ruled out without trial. Therefore, the plaintiffs have established prima facie case in their favour.

8. The next point for consideration is balance of convenience. The plaintiffs are residing in the suit house and if injunction is not granted and they are dispossessed, they will be left without shelter. On the other hand, if injunction is granted, no serious prejudice will be caused to the defendants as they will only be prevented from dispossessing the plaintiffs and alienating

the property till decision of the suit. Therefore, balance of convenience lies in favour of the plaintiffs.

9. If the plaintiffs are dispossessed from the house during pendency of suit, the loss caused to them cannot be compensated in terms of money. Similarly, if the suit property is alienated to third party, then multiplicity of proceedings will arise, and rights of plaintiffs will be seriously affected. Hence, the plaintiffs will suffer irreparable loss if temporary injunction is not granted.

10. Thus, considering the prima facie case, balance of convenience and irreparable loss, the plaintiffs are entitled for temporary injunction.

### ORDER

1.	Application is allowed.
2.	The defendants, their servants, agents or anybody claiming through them are hereby restrained from dispossessing the plaintiffs from the portion in their possession in suit house bearing N.P.H. No. 18-70-248 admeasuring 144 Sq. mtrs situated at Thakur Nagar, Ambad, till final disposal of the suit.
3.	The defendant's are further restrained from alienating or creating third party interest in the suit property till disposal of the suit.
4.	Cost in cause.

Date: 06.04.2026

Jt. Civil Judge Jr. Division,  
Ambad.