

In the Court of District & Sessions Judge, Bankura

Present : Mir Rashid Ali (WB00701)

District & Sessions Judge, Bankura

Title Appeal 02 of 2026

Filing no. 28/2026

CNR No. WBBK01-0000047-2026

Order No. 02

06.01.2026

The record is put up today on the basis of put up petition.

Ld. Advocate for the appellant, Shanti Karmakar files a xerox copy of a registered deed by firisti.

Let it be kept with the record.

Heard the Ld. Lawyer for the appellant/petitioner.

Perused the memo of appeal and an application filed by the appellant u/s 5 Limitation Act.

The Ld. Lawyer for the appellant while pressing ad interim injunction submits that by virtue of the decisions as reported in 1995(1)CLJ (*M/s Vinayak Conclave Private Ltd. And others Vs Life Insurance Corporation of India and others*).

This court has no inherent jurisdiction to take up the matter for ad interim injunction even before the application u/s 5 of Limitation Act.

It is submitted further that the application under order 39 rule 1 and 2 read with Section 151 of CPC is eminent and is required to be heard.

It is submitted by the Ld. Lawyer for the appellant while pressing his application that the defendants are making construction over the property belongs the plaintiff.

Heard the Ld. Lawyer.

Perused the petitioner under order 39 rule 1 and 2 read with section 151 CPC.

Perused the application u/s 5 of Limitation Act.

It is found on perusal of the record that the plaintiffs/appellants filed the suit for declaration and other consequential relief.

It is also found that Ld. Court of Civil Judge (Jr. Divn), Addl. Court, Bankura dismissed the plaint of the plaintiff on contest.

I am of the view that before granting relief to the plaintiff/appellant a fair opportunity may be provided the defendants.

Hence, I am of the view that it is prudent to hear the application after appearance of the defendants.

More over, I do not find any urgency to interfere at this stage without giving opportunity of being heard.

The ad interim order of injunction as prayed for is refused at this stage.

Todate i.e. **06.03.2026** for hearing of the application u/s 5 of Limitation Act and application under order 39 rule 1 and 2 read with section 151 CPC and appearance in the meantime, steps if any.

Dictated & Corrected by

Sd/-

(Mir Rashid Ali)

District Judge, Bankura

Sd/-

(Mir Rashid Ali)

District Judge, Bankura