

Title Suit No. 270 of 2026

Present : Sri Hindol Roy (JO Code – WB00816)
Civil Judge (Senior Division), Tehatta, Nadia

WBND0A0003192026



Order No. 02
dated 06.08.2026

The record is put up today on the prayer of the plaintiff who prays for moving the petition under Order 39 Rule 1 & 2 of CPC for ad-interim order citing urgency.

No caveat has been filed as per the report of the Sherestadar.

Considering the urgency of the matter, the petition is taken up for hearing.

The plaintiff's case, in brief, is that the suit property as mentioned in schedule of the instant petition is the joint property of the plaintiff and the defendants. They are in joint possession of the suit property at present. But the defendant nos. 1 and 2 are trying to encroach the valuable portions of the suit property and also trying to create third party interest therein without the consent of the plaintiff. Hence, the plaintiff has filed this instant petition.

Perused the petition and the documents filed therewith.

Heard Ld. Advocate for the plaintiff.

On perusal of the documents particularly the Title Deeds, Record of Rights and other documents, I find that the plaintiff and defendants are indeed the co-sharers of the suit property. Therefore, I think that plaintiff has every right to protect her possession in the suit property as the co-sharer of the suit property. In this way, I think that the plaintiff has a good prima facie case in her favour at this stage. I also think that if the defendant nos. 1 and 2 are allowed to encroach the valuable portions of the suit property and also allowed to create third party interest therein without the consent of the plaintiff, then

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the plaintiff will suffer from greater inconvenience than the defendant nos. 1 and 2. Therefore, the balance of convenience is in favour of the plaintiff at this stage. I further think that if the defendant nos. 1 and 2 are not restrained at this stage, then the plaintiff will suffer from irreparable loss and injury.

Hence, it is,

ORDERED

that both the plaintiff and defendant nos. 1 and 2 are directed to maintain status quo regarding the possession of the suit property, as described in the schedule of the instant petition, as on date till 20.08.2026.

The plaintiff is directed to comply the provisions of Order 39 Rule 3(a) & 3(b) of CPC & submit the Affidavit of service latest by tomorrow.

To **20.08.2026** for S.R. and appearance of the defendant nos. 1 and 2 and showing cause as to why the ad-interim order shall not be made absolute till the disposal of the suit.

Dictated & corrected by me,

Sd./- Hindol Roy
Civil Judge (Senior Division),
Tehatta, Nadia.

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