

Act 39 09 of 2021

Ord No. 17, dated 07.04.2025

Date is fixed for passing order.

One Sibaram Chakraborty instituted this case praying for grant of probate in respect of the Will of Sambhunath Chakraborty. In connection with the said case an application under order 39 rules 1 and 2 of CPC read with section 151 of CPC has been filed by the petitioner praying for an order against O.P .No.1 directing him to restrain from creating third party interest in respect of the schedule mentioned property.

It has been contended that O.P. No.1 Lakshmikanta Chakraborty is trying to sell the property as mentioned in the schedule to third party being one of the share holders which would create complication and trouble in the event of probate being granted on the basis of said Will made by the original owner of the property.

Having perused the materials on record and having taken note of the submissions made by the petitioner it is found that a strong prima-facie case has been made out and the balance of convenience and inconvenience lies against O.P. No.1. Therefore, till the case being disposed of, an order restraining the O.P. No.1 shall not be unjustified or inappropriate. To avoid multiplicity of proceedings and to avoid future complications the prayer for temporary injunction may be allowed at this stage.

In view of the facts and circumstances of the case the injunction application filed by the petitioner is accordingly allowed ex-parte as none of the O.P.s has contested in spite of entering appearance.

It is directed that O.P. No.1 shall restrain from creating third party interest in respect of the property mentioned in the schedule of the main application of this case till disposal.

Fix **29/04/2025** for hearing of the case.

Dict. & Corrected by me

D.J.

District Judge, Hooghly