

Title Suit No. 1000 of 2026

Order Dated 04-08-2026 (Later)

The record is taken up for hearing of temporary injunction application under Order 39 Rule 1 and 2 read with section 151 of CPC.

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

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

Heard submissions made by the Ld. Lawyer for the Plaintiffs.

The brief facts of the case is that the plaintiff is the mother of deceased Binay Singh who was lastly employed with HDFC bank Ltd. And during his lifetime accumulated substantial movable assets including salary dues, provident fund etc. after the marriage of the deceased the plaintiff had little or no participation in the financial affairs of her son. All financial affairs of the deceased including bank accounts, investments, insurance claim, service records etc. have been under the control of his wife (defendant no. 1). The plaintiff is genuinely unable to furnish a complete inventory of the estate of the deceased because all the relevant records are in the custody and possession of the defendant no. 1. The plaintiff has subsequently gathered reliable information that deceased maintain financial relationship with several banks and financial institutions which have been impleaded as defendant no. 3 to 12 in the present suit. The plaintiff further came to know that the defendant no. 1 as a nominee is trying her best to withdraw the money from the banks as well as other financial institutions. The plaintiff requested the defendant no. 1 to amicably distribute the estate of the deceased but the defendant no. 1 refused. She has been withholding the plaintiff's lawful share and has left her matrimonial home and started residing in her paternal home at Kanpur avoiding the communication with her in-laws at Howrah. Hence, the plaintiff has prayed for ad interim temporary injunction restraining the defendant no. 2 to 12 and their men, agents and servants from permitting any withdrawal/transfer in favour of defendant no. 1 in respect of the A schedule mentioned properties till disposal of the suit.

In support of his contention plaintiff has filed reply of advocate notice addressed to Arun Kumar Jha representing the plaintiff issued by the defendant's advocate Atul Trivedi, xerox copies of death certificate, aadhar, pan card and passport of of Vinay Singh, xerox copies of aadhar card, pan card of plaintiff etc.

From the documents filed in support of the petition the plaintiff appears prima facie to be the mother of the deceased Vinay Singh and the defendant appears to be the wife of deceased Vinay Singh. As such both of them appear to be class-I heirs under Hindu Succession Act. In

my view the plaintiff has sufficiently proved her prima faice case. The balance of convenience and inconvenience also appears to be tilted in her favour. I do not find any reason at this juncture for what the defendant can get prejudiced if the injunction is passed in favour of the plaintiff. Hence, I am of the view that the instant petition is maintainable and deserves to be allowed.

Hence, it is

ORDERED

that the defendants no. 2 to 12 with their men, agents and servants are hereby restrained from permitting any withdrawal/transfer in favour of defendant no. 1 in respect of the A schedule mentioned properties in any manner till 03.09.2026.

Plaintiff is to comply the provision of order 39 Rule 3 (a) and (b) of the CPC.

To **date** for SR and appearance.

File requisite at once.

Typed and corrected by me.

Civil Judge(Jr. Dvn.) 3rd Court
Howrah
J.O. CODE: WB01173