

Title Appeal 17 of 2025

Order No. 03 dated 19.06.2025

The record is put up by petition at the instance of the appellant who has deposited the DCF and also filed a petition U/O 39 Rules 1 and 2 of CPC.

The Id. advocate for the appellant has moved the said petition praying for ad interim order of injunction.

Having considered the facts and circumstances the Appeal .Call for T.C.R. Issue notice. Requisites be put in.

The instant Appeal has been preferred against the order of dismissal of the suit and the plaintiff has prayed for a decree of declaration, permanent injunction and also for eviction of the defendant. The Id. Trial Judge was pleased to dismiss the suit holding that the plaintiff has not been able to prove his case. It has been alleged by the appellant/plaintiff that the defendant/ respondent is trying to raise illegal construction by demolishing the suit premises and the purpose of the Appeal will be frustrated if the defendant is allowed to make such construction on the schedule property. The plaintiff has asserted his title and ownership over the property and at this stage if the defendant/respondent is not stopped from raising any pukka construction then the appellant/plaintiff would likely to suffer irreparable loss and injury.

Perused the documents and dakhila, rent receipts etc.

Having gone through the impugned judgment and other materials produced, at this stage it is observed that if an order of status quo is passed for a very limited period then the respondent/defendant would not likely to suffer much prejudice. In view of the challenge of the impugned judgment and decree and in view of the submission of the appellant, it is found that an order of ad interim injunction should be passed by following the settled principle of allowing the prayer for injunction at this stage. Accordingly, the ad interim order is passed to the effect that the respondent/defendant shall maintain status quo in the schedule property till the next date.

Let the case record be transferred to the Court of Id. A.D.J., 1st Court, Chinsurah for disposal.

Fix **19/07/2025** for appearance before the Id. Transferee Court . Requisites, TCR etc. be produced before the Id. Transferee Court.

Let a copy of this order be communicated to the Id. Trial Court for information.

Dict. & Corrected by me

D.J.

District Judge, Hooghly.

