

Misc. Appeal – 74/2025

J.O. Code : WB01302

Order No. 04 dated 10.11.25

Today is fixed for passing order.

Petitioner has filed hazira on this day.

The record is now taken up for passing order upon the hearing concluded on the last date with respect to the petition filed by the petitioner/appellant under Order 39 Rule 1 and 2 read with sec. 151 of the CPC praying for ad interim injunction.

Ld. Advocate for the appellant during the said hearing had moved the said ad interim injunction prayer and submitted therein that the appellant Debashis Sarkar being the plaintiff in the trial court of Id. Civil Judge Jr. Divn. 1st Court, Serampore had filed a suit for declaration and permanent injunction being T.S. No. 302/2024 against the defendants Biswajit Rakshit and others wherein the case of the plaintiff was that he was the owner of the suit scheduled property which was Bastu land comprising of 15 Chittak with existing structure being L.R. Plot No. 2244 and 2245 in Mouza Uttarpara on 223, B.K. Street within Uttarpara Kotrung Municipality by virtue of registered purchase and the said property was duly mutated in his name while the defendants are hooligans who are desperate in nature and were interfering in the peaceful usage and possession of his property and threatening to dispossess him from the same. The plaintiff had filed the instant suit before the said court in 2024 and had prayed for an order of temporary injunction before the Id trial court against the defendants with respect to the said property which prayer of the appellant was heard in presence of the defendants i.e. the respondents and dismissed on 18.9.25 against which the instant misc appeal has been preferred by the plaintiff/appellant.

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Ld. Advocate also submitted that the appellant has preferred an ad-interim injunction prayer before this appellate court as the defendants were continuing to interfere with the peaceful possession of the appellant over the suit property and threatening to dispossess him of the same. Ld Advocate for the appellant drew the attention of this court to the filed Municipality property tax receipt, Dakhila & Khajana, Khatian, Mutation certificate and the Deed of conveyance with respect to the scheduled property which clearly shows that the said scheduled property which includes a residential building thereon belongs to the appellant and is apparently in his possession. The injunction prayer is found to be supported with affidavit which prima facie avers that the defendants are trying to disturb the peaceful possession of the appellant over the said property and are trying to forcefully grab the said property and make construction thereupon. It is also apparent from the injunction application that the appellant had approached the local police on 11.5.2024 and had filed a written complaint which was diarised but not acted upon as it is a civil dispute.

Considering the matter, this court is of the opinion that the petitioner has been able to show a prima facie case of grant of ad-interim injunction upon the scheduled property, which considering the exigency of the matter, would be defeated by delay. Hence, the ad-interim prayer of the petitioner is herein allowed. **The petitioner/appellant Debasish Sarkar does get an ad-interim injunction upon the scheduled property mentioned in the instant injunction application.**

Both parties are directed to maintain status quo upon the said property till the disposal of the temporary injunction petition filed by the appellant herein which would be heard after granting opportunity to the respondents to contest the said prayer. **The instant ad-interim injunction would be valid till the next date or until further order of this court, whichever is later.**

I.C. Uttarpara P.S. is directed to ensure that status quo is maintained over the disputed property.

**Appellant is directed to comply with the provisions of Order 39 Rule 3 CPC.**

Appellant to file requisites of the present appeal at once.

Issue requisites, once filed.

**Call for TCR at once.**

To date (10.12.25) for appearance of parties and receipt of TCR.

Dict. & corr. By me.

Sd/-  
Addl. District Judge, 2<sup>nd</sup> Court,  
Serampore, Hooghly.

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Ld. Advocate also submitted that the appellant has preferred an ad-interim injunction prayer before this appellate court as the defendants were continuing to interfere with the peaceful possession of the appellant over the suit property and threatening to dispossess him of the same. Ld Advocate for the appellant drew the attention of this court to the filed Municipality property tax receipt, Dakhila & Khajana, Khatian, Mutation certificate and the Deed of conveyance with respect to the scheduled property which clearly shows that the said scheduled property which includes a residential building thereon belongs to the appellant and is apparently in his possession. The injunction prayer is found to be supported with affidavit which prima facie avers that the defendants are trying to disturb the peaceful possession of the appellant over the said property and are trying to forcefully grab the said property and make construction thereupon. It is also apparent from the injunction application that the appellant had approached the local police on 11.5.2024 and had filed a written complaint which was diarised but not acted upon as it is a civil dispute.

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Addl. District Judge, 2<sup>nd</sup> Court,  
Serampore, Hooghly.

**Memo No.....**

**Dated .....**

**Copy forwarded to : The I.C. Uttarpara P.S for his information and necessary action.**

**Addl. District Judge, 2<sup>nd</sup> Court,  
Serampore, Hooghly.**