

Misc. Appeal No. 18 of 2026
CNR No. WBHW01 000725 2026
Present: Subhash Kumar Kar,
District Judge, Howrah.
J.O. Code – WB00592

Order No. 02 dated 13.02.2026.

Today is fixed for hearing on the point of admission.

Heard learned Advocate appearing for the appellant on the point of admission.

From the record it appears that the Title Suit was brought before the learned Trial Court being Title Suit No. 810 of 2023 and the plaintiff/appellant herein filed an application under Order 39 Rule 1 and 2 of the C.P.C. praying for temporary injunction in terms of the prayer which was rejected by the learned Trial Court by the order dated 02.02.2026 on the ground stated therein and having perused the order impugned, I am of the view that the present appeal involves arguable points and accordingly, it is admitted.

Issue notice upon the respondents.

Fix 13.03.2026 for S/R and A/D.

To date for filing postal receipts showing service.

On perusal of the office report it appears that no caveat has been lodged by the adversary. So, the petition under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. is taken up for hearing.

Heard on the petition under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. filed in connection with this Misc. Appeal praying for ad interim order of temporary injunction.

Learned Advocate for appellant submitted that the appellant has acquired right, title and interest in respect of the suit property from his father by virtue of a registered deed of gift dated 02.02.2022 and it is the case of the appellant that the respondent no. 1 is raising construction by breaking open the boundary wall described in 'B' schedule property, admittedly, by deviating the sanction plan as it appears from the reply of the RTI obtained from the HMC and it is prayed for ad interim order of temporary injunction in terms of the prayer.

On perusal of the documents and other materials lying on the record, I am of the view that it is not at all disputed that the respondent no. 1 has deviated from the sanction plan and at this stage, unless an order of ad

interim of temporary injunction is granted, there is chance of causing irreparable injury to the appellant.

Under such circumstances, let there be an ad interim order of temporary injunction restraining the respondent no. 1 and his men and agents from raising any construction over the 'B' schedule property till the next date fixed.

Issue notice upon the respondents asking them to show cause within fifteen days from the date of receipt thereof as to why the prayer for temporary injunction shall not be granted.

Requisites at once.

The appellant is directed to comply with the provision of Order 39 rule 3 (a) & (b) of the C.P.C. at once.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.