

Misc. Appeal No. 19 of 2026  
CNR No. WBHW01 000769 2026  
Present: Subhash Kumar Kar,  
District Judge, Howrah.  
J.O. Code – WB00592

Order No. 02 dated 16.02.2026.

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. 1783 of 2025 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 24.12.2025 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 respondent.

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 the appellant submitted that plaintiff was the absolute owner of the property described in schedule 'A' and subsequently, by sale deed dated 04.06.2025 the plaintiff transferred the property described in schedule B, the part of the schedule 'A' property to the defendant and now, the defendant is trying to raise construction by encroaching the land described in Schedule 'C' which is the land of the plaintiff and it is prayed to issue an ad interim order of injunction in terms of the prayer.

On perusal of the sale deed being no. 4195 for the year 1966 it appeared that in the property described in schedule 'A' was purchased by Keshavlal Khanderia Properties Pvt. Ltd. and subsequently the company

was renamed as Shiva Polymers Pvt. Ltd., the present appellant and it appeared from the record of rights that the property described in schedule 'A' was recorded in the name of the appellant and it further appears from the deed of sale dated 04.06.2025 that 79.22 decimals land together 17684 sq. ft, tin shed pertaining to Rs. 416, 417 and 420 corresponding to LR Dag nos. 426,427 and 430 and 21.32 decimals out of 128 decimals in RS Dag no. 416 corresponding LR Dag no. 426 and 47.40 decimals out of 98.46 decimals in RS Dag No. 417 corresponding LR Dag No. 427 and land measuring 10.50 decimals out of 21 decimals in RS Dag No. 420 corresponding to LR Dag No. 430 and schedule 'C' of the petition goes to see that the appellant had retained the ownership of rest portion of the land measuring about 10.50 decimals in RS Dag No. 420 corresponding LR Dag No. 430 and it is alleged that the respondent is raising construction by encroaching the said piece of land and in support of that they filed one petition before the learned Executive Magistrate praying for protection under Section 163 of BNSS and having regard to the materials in record, I am of the view that the appellant has made out a good prima facie case and the balance and inconvenience is also in his favour 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 and his men and agents from raising any construction or further construction over the 'C' 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.