

Misc. Appeal No. 39 of 2026
CNR No. WBHW01 001140 2026
Present: Dr. Debasree Lahiri,
District Judge In Ch., Howrah.
J.O. Code - WB00952

Order No. 04 dated 24.03.2026.

The record is put up today on the basis of a put up petition.

On the prayer of learned Advocate appearing for the appellant, the application under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C is taken up for hearing.

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

Heard on the application 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 an ad interim order of temporary injunction.

It is the case of the appellant/plaintiff that he purchased the suit property by virtue of two registered deeds of conveyance being nos. 1919 for the year 2004 and 050802855 for the year 2022 and he recorded and mutated his name in the concerned authorities and he is also paying taxes and khajnas and he obtained electricity connection. It is the further case of the appellant that the respondents being his daughter-in-law and son having no right, title and interest over the suit property, are trying to interfere with the peaceful possession of the appellant. On 02.02.2026, the respondents/defendants along with some antisocial elements and the parental family members of respondent no. 1 came in front of the suit property and threatened the appellant to vacate the suit property as they want to occupy the suit property. The appellant lodged G.D.E. on 02.02.2026 and also filed the instant suit being Title Suit No. 150 of 2026 with a prayer for an ad interim order of temporary injunction which was refused by the learned Trial Court.

Appellant files several documents from where it appears that the suit property belongs to the appellant and if he is dispossessed from the suit property for interference and pressure created by the respondents, the purpose of filing of the instant appeal will be frustrated.

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.

Considering good prima facie case and the balance of convenience and inconvenience in favour of the appellant and he will suffer irreparable loss and injury if an order of ad interim injunction is not granted and the purpose of filing of the instant appeal will be frustrated. Accordingly, this Court is of the view that an ad interim order of injunction may be granted where irreparable injury is anticipated.

Hence, it is,

Ordered

that the application under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C. praying for ad interim order of injunction is allowed ex parte.

The respondents are hereby restrained from entering into the suit property and/or creating any disturbance thereon from the peaceful possession of the appellant till 23.04.2026.

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. In Ch.

District Judge In Ch., Howrah.