

Misc. Appeal No. 37 of 2025
CNR No. WBHW010012012025

Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 20.03.2025.

The record is put up on prayer.

The application under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. is taken up for hearing.

No caveat is filed as per office report.

It is the case of the appellants/plaintiffs that he got the suit property measuring 5 cottahs 17 chittaks by way of a registered deed of gift executed in his favour in the year 2004. It is the case of the appellant that the respondent Nos. 1 and 2 with mala-fide motive are attempting to grab the side space i.e. 'B' schedule property measuring 4 feet wide and which is the part and parcel of the suit property. In the impugned order it is observed by the court below that the 4 feet wide road is not found from document produced by the appellant (plaintiff). However, the appellant is claiming that the 4 feet wide space within his property measuring 5 cottahs 17 chittaks. No doubt the appellant is prima facie owner in respect of 'A' schedule property. If the 'B' schedule property is within the 'A' schedule property and if the appellant is anticipating any threat of dispossession or from his 'A' schedule property and interim order of injunction may be granted.

Issue notice upon the respondent Nos. 1 and 2 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 conveniences and inconveniences in favour of the appellant an ad interim order of injunction in shape of status quo is granted *moreso*, when the appellant is threatened to suffer irreparable loss.

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*.

Contd.....

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The appellant and respondent Nos.1 and 2 are hereby directed to maintain status quo in respect of the nature, character and possession in respect of 'A' schedule property till 17.04.2025.

Requisites at once.

The appellants are 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.