

Misc. Appeal No. 47 of 2026  
CNR No. WBHW01 001254 2026  
Present: Dr. Debasree Lahiri,  
District Judge In Ch., Howrah.  
J.O. Code - WB00952

Order No. 02 dated 13.03.2026.

Today is fixed for hearing on the point of admission.

The record is taken up for hearing on the point of admission.

Heard learned Advocate appearing for the appellants 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. 125 of 2026 and the appellants filed an application under Order 39 Rules 1 and 2 read with Section 151 of the C.P.C. praying for ad interim temporary injunction in terms of the prayer which was rejected by the learned Trial Court by the order dated 31.01.2026 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 21.05.2026 for S/R and A/D and appearance.

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 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 appellants that they are possessing the schedule mentioned suit property which is a thika property by erecting structure thereupon and they got the same from their predecessor in interest. It is the further case of the appellants that on 12.01.2026 the respondents tried to enter into the suit property forcefully by claiming that the appellant himself executed one registered deed of lease in their favour on 18.01.2019. It is the further case of the appellants that the respondents misled the appellant to execute the said lease deed as he is a blind man and ultimately the respondents were successful in obtaining the said lease deed by misleading the appellant but there is no witness in the said deed of lease.

Thereafter, the appellants went to the local P.S. and also filed the instant Title Suit being No. 125 of 2026 with a prayer for an ad interim order of temporary injunction which was refused by the learned Trial Court.

Appellants file several documents from where it appears that appellant no. 1 is the occupier of the suit property which is the thika property owned by the Government of West Bengal, Controller, Thika Tenancy. It has been alleged by the appellants that respondents have manufactured one deed of lease by the appellant no. 1 without his consent. It has been further alleged that the respondents have tried to occupy the suit property forcibly but no document has been filed by the appellants to show any overt act on the part of the respondents as alleged.

Moreover, under Section 21 of the West Bengal Thika Tenancy (Acquisition and Regulation) Act, 2001, Civil Courts are generally barred from entertaining suit regarding thika property, as such, matter falls under the exclusive jurisdiction of the Thika Controller.

Considering all aspects, this Court is not inclined to pass any order of ad interim injunction at this stage. Accordingly, the prayer for ad interim order of temporary injunction is refused.

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.

To date.

Dictated & corrected by me.

D. J. In Ch.

District Judge In Ch., Howrah.