

In the Court of District Judge, Paschim Medinipur.

Misc Appeal no - 144 of 2024
(R- 146 of 2024)

Smt. Kumkum Das..... Appellant.

Vs

Smt. Jyotshna Patar & another Respondants.

Present :- Sri Sanjoy Kumar Das,
District Judge, Paschim Medinipur.

Ord. No. 01 dt. 08.8.2024

This memo of Appeal is preferred against the order dated 03.7.2024 **passed by Ld. Civil Judge (Junior Division), 2nd Court, Paschim Medinipur in c/w J. Misc Case No. 17/2023** along with a certified copy of impugned order. Appellant also filed a petition under Order 39 Rule 1 & 2 read with Sec. 151 of CPC. The same be kept with the record.

No caveat is pending against the said appeal.

The Appeal has been presented within the time limit.

Register it as Misc Appeal.

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

Heard the Ld. Advocate for the appellant who prays for admission of the appeal.

From the memo of appeal and the impugned order, I do not find any reason to dismiss the appeal at this stage.

Therefore, the appeal is admitted.

The petition under Order 39 Rule 1 & 2 read with sec. 151 of CPC is taken up for hearing.

Ld. Counsel for the appellant moves the application under Order 39 Rule 1 & 2 of CPC and prays for an order of ad interim injunction.

Briefly stated fact of the case as well as assertion of the Ld. Counsel for the appellant is that Radha Gobinda Sanki got “Ka” schedule property by inheritance from his predecessor. He transferred some land in favour of the appellant. The “Ka” schedule suit property is the necessary property of the appellant. The appellant filed a pre-emption case on the ground of co-sharer as well as adjoining land owner. The respondent no. 1 is desperate and tried to transfer the un-demarcated land to a third party. Accordingly, appellant

prayed for an order of temporary injunction till the disposal of the instant case.

From the injunction application supported by affidavit and the documents, it appears that the appellant has made out a prima facie case.

So, both the parties are directed to maintain status quo in respect of the nature and character of the suit property as on this day till 11.9.2024.

Appellant is directed to comply with the provision under Order-39 Rule-3(a) & (b) of C.P.C.

Appellant to take step.

Call for LCR from the concerned court.

Todate i.e. 11.9.2024 S/R, appearance and LCR.

Dic. & corr. by me.

D.J.

District Judge,
Paschim Medinipur.