

Other Suit No. 01 of 2025
CNR No. WBHW0100 1480 2025

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

Order No. 02 dated 04.04.2025.

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.

Heard learned Advocate on behalf of plaintiff.

The office note indicates that one caveat is lodged by the defendant nos. 1, 2 and 3 on 03.04.2025 vide Caveat No. 345 of 2025. The caveat is not lodged against the plaintiff. The object of lodging caveat is to safeguard the interest against an order that may be passed against a person who may be affected by the order. When a party filed caveat the Court has to give an opportunity of hearing to the caveators if it has to pass an order which would go against them. Here, in this case, the injunction is sought for against the defendant nos. 5 to 12 and no such order is prayed as against the defendant nos. 1 to 3 who lodged the caveat. No caveat is lodged by the defendant nos. 5 to 12.

It is the case of the plaintiff that the schedule 'A' property is a trust property. The plaintiff is the daughter of Subhasish Ghosh and Subhasish Ghosh was one of the legal heirs of Sushil Chandra Ghosh. The deceased Sushil Chandra Ghosh left Jyotsna Ghosh, Anuradha Dey, Anindita Ghosh and Arundhati Ghosh as legal heirs. Subhashish Ghosh died on 02.03.2020. As per the deed of trust the trust property to be held by Sushil Chandra Ghosh and Sunil Chandra Ghosh or his heirs in equal share. Having gone through the trust deed, it prima facie appears to this Court that there is prohibition of alienation of the trust property. It is alleged that the trust property is being transferred by the defendants in violation of the intention of the trust deed. There is chance of further alienation of the property and change of nature and character of the same. Hence, an ad interim order of injunction is sought for. It appears that the plaintiff has a good prima facie case. Accordingly, an ad interim order of injunction may be passed.

Issue notice upon the defendant nos. 5 to 12 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, 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 plaintiff and the defendant nos. 5 to 12 are directed to maintain status quo in respect of any transfer of the 'A' scheduled property and also to maintain status quo in respect of nature, character and possession of 'A' scheduled suit property till 03.05.2025

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.