

Title Appeal No. 07 of 2026  
CNR No. WBHW01 000455 2026  
Present: Subhash Kumar Kar,  
District Judge, Howrah.  
J.O. Code – WB00592

Order No. 02 dated 11.02.2026.

The record is put up by a put up petition filed by the appellants.

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

Heard on the petition under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. filed in connection with this Title Appeal praying for ad interim order of temporary injunction

Learned Advocate for appellants moved the petition for ad interim order of temporary injunction on the ground that initially the learned Trial Court was pleased to pass an order of temporary injunction by restraining the defendants from disturbing the peaceful possession of the plaintiffs and thereafter the suit was dismissed ex parte and if the ad interim order of temporary injunction is not reinforced the appellants will suffer irreparable loss and injury.

On perusal of the documents submitted by the appellants it appears that the appellants have filed the suit being Title Suit No. 1439 of 2022 before the learned Civil Judge (Junior Division), 1<sup>st</sup> Court, Howrah praying for declaration of title and permanent injunction on the premises that the father of the appellants and the proforma respondent nos. 5 to 15 were in adverse possession of the suit property and during the continuation of such possession he died and after his death the appellants and proforma respondents being heirs and successors continued the said possession uninterruptedly and the respondent nos. 3 and 4 executed sale deed in favour of the respondent nos. 1 and 2 during the subsistence of such possession and it further appears from the record of rights that said Ramchandra Barui was in forcible possession of the suit property since 1965 and admittedly, the appellants and proforma respondents are in possession of the suit property.

Under such circumstances, let there be an ad interim order of temporary injunction directing the parties to maintain status quo as to nature, character and possession of the suit property till 11.03.2026.

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.

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.