

Misc. Appeal No. 103 of 2025
CNR No. WBHW01 003078 2025
Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 02.07.2025.

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.

The suit is no doubt for partition and it is claimed that the appellant is a co-sharer in respect of 0.8441 satak. However, the present appellant has claimed share of 0.8441 satak out of 23 sataks. The property measuring 0.8441 satak is mentioned as 'B' schedule property. It appears that the appellant purchased 'B' schedule property from the undivided property mentioned in schedule 'A'. It is allegation of the appellant that the respondents are trying to make illegal construction over the 'A' schedule suit property and thus, her enjoyment in the B schedule property is hampered. However, having found no prima facie case, this Court is not inclined to pass an ad interim order of injunction.

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.

Hence, it is,

Ordered

that the application for ad interim injunction is refused ex parte.

Requisites at once.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.