

Misc. Appeal No. 118 of 2025
CNR No. WBHW01 003555 2025

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

Order No. 02 dated 21.07.2025.

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.

It appears from the submission of the learned Advocate that the appellants and the respondent are co-sharers in respect of the suit property. The name of the father and grandfather is found in the record of rights in respect of the suit dag. It is the case of the appellants that the respondent has been trying to make use of the best position of the suit property which is not partitioned by metes and bounds. The suit is for partition, declaration and permanent injunction. Accordingly, an order of injunction is sought for. Having considered the affidavit along with the documents filed at the time of hearing, this Court finds prima facie case in favour of the appellants.

Issue notice upon the respondent asking him 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 convenience and inconvenience in favour of the appellants, 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.

Both the appellants and the respondent are directed to maintain status quo in respect of nature, character and possession of the suit property till 19.08.2025.

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.