

Trust Suit No. 01 of 2025
CNR No. WBHW01 003352 2025
Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 14.07.2025.

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 is found that leave is already granted to institute the case under Section 92 of C.P.C.

It is averred in the plaint that the plaintiffs are sebaits and doing seba puja of the deity, Sri Sri Iswari Jaychandimata Thakurani. It is submitted that their having interest in the trust property formed as a religious public trust for the Hindu devotees. The debottar property mentioned in the schedule in revisional record of rights finally published in 1967 as debottar Sri Sri Iswari Jaychandimata. It is found from the record of rights that the debottar property was for Hindu general people. It is the specific case of the plaintiffs that none of the previous trustees are alive and as a result, the nearby club members are trying to encroach the property to make illegal construction thereon. The suit is filed for appointment of new trustees and for settling a scheme. The grievance of encroachment by the defendants is found genuine one on the strength of the affidavit and documents filed at the time of hearing. The debottar property is required to be preserved, otherwise the purpose of the suit will be frustrated. So, this Court is of the view that without serving notice to the defendants, an order of injunction may be granted.

Issue notice upon the defendants 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 convenience and inconvenience in favour of the plaintiffs, 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 parties to this suit are directed to maintain status quo in respect of nature, character and possession of the suit property. However, the 'nitya seba puja' if performed, shall not be disturbed.

This order shall be effective till 13.08.2025.

Requisites at once.

The plaintiffs 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.