

Misc. Appeal No. 114 of 2025
CNR No. WBHW01 003396 2025

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

Order No. 02 dated 18.07.2025.

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 appellant and the respondents are co-sharers in respect of the suit property. The appellant and the respondent nos. 1 to 8 are the legal heirs of Pashupati and the rest respondents are the legal heirs of Panchu. Both Panchu Ranjan Manna and Pashupati Manna were the predecessor in interest of the suit property. The suit is for partition and permanent injunction. It is the specific allegation of appellant that the respondent nos. 1 to 8 are refusing to get the property partitioned by metes and bounds and on the other hand trying to raise pucca construction on the best portion of the suit property. It is also alleged that there is attempt of alienation of the property exceeding the share. 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 appellant.

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.

Considering good prima facie case and the balance of convenience and inconvenience 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.

Both the appellant and the respondents are directed to maintain status quo in respect of nature, character and possession of the suit property till 14.08.2025.

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.