

Misc. Appeal No. 118 of 2025
CNR No. WBHW01 003555 2025
Present: Subhash Kumar Kar,
District Judge, Howrah.
J.O. Code – WB00592

Order No. 15 dated 07.07.2026.

The date is fixed for ex parte order.

It appears from the record that the present appeal was heard in absence of the respondent and it is taken up for ex parte order.

The present Misc. Appeal is filed challenging the order dated 04.07.2025 passed by the learned Civil Judge (Senior Division), 1st Court, Howrah in connection with Title Suit No. 328 of 2025.

It appears from the record that the appellants herein brought a Title Suit before the said learned Court with the prayer for partition, declaration and injunction against the respondent herein on the premises that admittedly the appellants and the respondent are the co-sharers in respect of suit property mentioned in the schedule of the plaint and the respondent is a greedy person and has the intention to grab the property and as a result, he started disturbing the peaceful possession of the appellants in respect of the suit property.

It further appears that the appellants also moved an application under Order 39 Rule 1 and 2 of C.P.C. before the learned Trial Court and the learned Trial Court refused to grant the prayer for ad interim order of temporary injunction by the order impugned.

Being aggrieved by and dissatisfied with the order impugned, the instant appeal has been preferred by the appellants.

On perusal of the record it appears that this Court passed an ad interim order of temporary injunction dated 21.07.2025 directing the parties to maintain status quo in respect of the nature, character and possession of the suit property for a limited period and the said order has been extended from time to time.

On perusal of the documents it appears that the appellants have filed certified copy of the information of plot wherefrom it appears that six decimals of land is recorded in plot No. 882 in the name of Bahadur Mullick appertaining to LR khatian No. 3254 and one decimal of land is recorded in plot no. 881 in the name of Asraf Ali Mullick appertaining to LR Khatian No. 810 and according to the plaint case, the said Bahadur Mullick

and Asraf Ali Mullick were the predecessors in interest of the appellants and the respondent.

Therefore, in absence of any rival contention, I hold that the learned Trial Court came to an erroneous conclusion that no ad interim order of temporary injunction can be granted on the basis of the record of rights.

In the result, the appeal succeeds.

CF paid is sufficient.

Hence, it is

O r d e r e d

that the instant Misc. Appeal being No. 118 of 2025 is allowed ex parte but without any cost and the ad interim order of temporary injunction dated 21.07.2025 passed by this Court is made absolute till the disposal of the application under Order 39 Rule 1 and 2 of C.P.C. pending in Title Suit No. 328 of 2025.

Learned Trial Court is directed to dispose of the said application in accordance with law within two months from the date of communication of this order.

Thus, the Misc. Appeal is disposed of.

Let a copy of this order be sent to the learned Trial Court for information and necessary action.

Dictated & corrected by me.

D. J.

District Judge, Howrah.