

Misc. Appeal No. 124 of 2025
CNR No. WBHW01 003689 2025

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

Order No. 02 dated 29.07.2025.

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 the case of the appellant/plaintiff that he is the absolute owner in respect of the suit property. He purchased the same by dint of a deed of sale. Document is produced to show prima facie the possession of the appellant in the suit property. It is the allegation that the respondent having no right, title and interest is creating hindrance in the possession of the suit property as he is trying to enter the suit property by breaking open the entrance door from outside. Having found good prima facie case along with the possession of the appellant in the suit property, this Court is of the view that an ad interim order of injunction may be passed.

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 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 respondent are directed to maintain status quo in respect of nature, character and possession of the suit property till 27.08.2025.

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.