

Misc. Appeal No. 146 of 2025
CNR No. WBHW01 004184 2025
Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 19.08.2025.

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 she entered into an agreement for sale with the respondents to purchase the suit property in lieu of consideration amount of Rs. 28 lakhs and in consequence with the agreement she paid Rs. 23 lakhs to the respondents. It is also stated that the plaintiff has been given the possession of the suit property, but now the respondents/defendants are not willing to execute the sale deed. It is alleged that on 04.08.2025 the respondents tried to dispossess the plaintiff from the suit property. Hence, the suit for declaration and permanent injunction is filed. No doubt, the plaintiff has not prayed for specific performance of contract and actually, no right has been accrued to the plaintiff/appellant in respect of the suit property on the strength of the agreement for sale. However, it is true that those issues may be adjudicated at a later stage of the suit. Hence, an ad interim order may be granted to maintain status quo in respect of the nature and character of the property.

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 parties to the instant appeal are hereby directed to maintain status quo in respect of nature, character and possession of the suit property till 16.09.2025.

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.