

Misc. Appeal No. 91 of 2025
CNR No. WBHW01 002711 2025
Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 18.06.2025.

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 from the plaint case that the present appellant being the plaintiff prays for declaration of tenancy right under Partha Chatterjee son of Prasad Ranjan Chatterjee. It is further case of the appellant that his father was inducted as tenant under Bhabani Kinkar Chatterjee and Prasad Ranjan Chatterjee. Interestingly the so called landlords have not made parties in the suit. It is also found from the plaint that once by filing a Title Suit being No. 20 of 2009 before the 2nd of Civil Judge (Junior Division) Howrah, the present respondent no. 1 claimed himself as managing trustees and shebait of the deity property which is actually the part of the subject-matter of the present suit. Now, the appellant has alleged that the respondents are trying to take forceful possession in respect of the tenanted portion of the appellant.

Having considered the plaint case, this Court does not find prima facie case of the appellant to pass an interim order.

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.

The prayer for ad interim order of injunction is refused at this stage.

Requisites at once.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.