

Misc. Appeal No. 94 of 2025
CNR No. WBHW01 002751 2025
Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 13.06.2025.

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 the case of the appellant/plaintiff that the respondents without having any sanctioned building plan, are trying to make construction encroaching the property of the appellant. The 'B' schedule property is the property of the respondents whereas the 'A' schedule property is the property of the appellant. It is further stated that the respondents have been constructing without leaving the required side space to be kept open as per Panchayet by laws. No doubt, the appellant has made out an actionable nuisance and he has a good prima facie case.

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.

The respondents are hereby restrained from making any construction on their western side adjoining the 'A' schedule property till 11.07.2025.

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.