

Misc. Appeal No. 193 of 2025  
CNR No. WBHW01 005161 2025

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

Order No. 02 dated 26.09.2025.

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 has purchased the suit property measuring 252 sq. ft. of super built area from the proforma respondent by a registered deed of conveyance dated 06.05.2022. The proforma respondent developed the property of the principal respondent and it is claimed by the appellant that the proforma respondent sold out the suit property in his favour from his allocation. It is further stated that at the time of execution of deed, the appellant was given possession of the suit property by the proforma respondent. Now, it is stated that the respondent nos. 1 to 3 are illegally trying to dispossess the appellant from the suit property. Having considered the affidavit and the annexed documents, this Court is of the view that the appellant has a prima facie case and if he is dispossessed from the suit property he may suffer irreparable loss.

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 and he will suffer irreparable loss and injury if an order of ad interim injunction is not granted and the purpose of filing of the instant appeal will be frustrated. Accordingly, this Court is of the view that an ad interim order of injunction may be granted where irreparable injury is anticipated.

Hence, it is,

contd...

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 principal respondent nos. 1 to 3 are hereby restrained by an order of injunction from dispossessing the appellant from the suit property till 03.11.2025 (Puja vacation intervenes).

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.