

Misc. Appeal No. 224 of 2025
CNR No. WBHW01 006372 2025

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

Order No. 02 dated 10.12.2025.

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.

Heard learned Advocate on behalf of the appellant. He moves an application for temporary injunction in order to obtain an ad interim order due to urgency. It appears that the property originally belonged to one Biswanath Singha. After his death, the plaintiff and the defendant got 1/3rd share each along with their mother who was the widow of the deceased Biswanath Singha. It is further case that the 1/3rd share of the widow has been transferred in favour of the defendant. The property is no doubt the joint property where shares have been devolved upon the parties of the suit after the death of the original owner. The suit is filed for declaration of preferential right in terms of Section 22 of the Hindu Succession Act. No doubt, the plaintiff (appellant herein) shall suffer irreparable loss if the property is transferred by the defendant/respondent in favour of any stranger third party.

Issue notice upon the respondent asking her to show cause within fifteen days from the date of receipt thereof as to why the prayer for temporary injunction shall not be granted.

Having gone through the record and heard the submission of the learned Advocate, this Court is of the view that a triable issue has been raised by the plaintiff/appellant in his suit. Considering good prima facie case and the balance of convenience and inconvenience in favour of the appellants, 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 respondent is hereby restrained from transferring her share in the suit property to any stranger third party without offering chance to the appellant/plaintiff to purchase the same. The order will be effective till 09.01.2026.

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.