

Title Suit 31 of 2026

Contt....Order No.1 dated 24.02.2026

Ld. Advocate for the plaintiff moves the petition for an order of ad interim injunction U/O 39 Rule 1 and 2 read with section 151 CPC.

As per the report of the Sheristadar a caveat has been filed by the defendant No. 1 vide No. 29/2026 against one Ashok Senapati but does not matches the schedule. After perusal it is seen that the caveat has been filed in respect of LR Plot Nos. 624 & 625 under LR Khatian No. 426 but the plot No. of the suit property is CS and RS dag No. 632 corresponding to LR Plot No. 622. As such there is no impediment in proceeding with the hearing of the ad interim order of injunction as the suit plot and the plot on which the caveat has been filed are different.

Ld. Advocate for the plaintiff files some documents by firisti. Xerox copies of the documents are with the record.

Now, let us consider whether on the basis of the statement made on affidavit by the plaintiffs and the documents filed by him, an order of ad interim injunction as prayed for can be granted at this stage prior to the issuance of notice upon the defendant against whom the said prayer of ad interim injunction is made.

Heard the Ld. Advocate. Perused the said injunction petition, plaint and documents filed by the plaintiff and considered.

Now, the record is taken up for passing order.

This is a suit for declaration and injunction.

-: Case of the plaintiff :-

The case of the plaintiff in a nutshell is that the suit property originally belonged to Haripada and Upendranath. The legal heirs of Haripada had sold some portion to the the plaintiff by virtue of the two registered deeds being No. 1450 dated 25.04.1996 and 1693 dated 24.05.1999. As such the plaintiff became the absolute owner of the A schedule suit property. B schedule is the part and parcel of the A schedule suit property. Now the defendants are trying to construct a bathroom on the C schedule property which will damage the underground foundation of the B schedule property. Hence the plaintiff has come before the Court with folded hands for grant of temporary injunction by restraining the defendants from raising any pucca construction, changing the nature and character in respect of the suit property.

DECISION WITH REASONS

After considering the situation and the documents, it is seen that the plaintiff has able to prove his right, title, interest and ownership over the schedule suit property.

At this stage the plaintiff has able to show a good prima facie case in its favour having its merits to go into the trial and the balance of convenience and inconvenience is lying in favour of the plaintiff. If an ad interim order is not passed at this stage, it may cause irreparable loss to the plaintiffs and the purpose of granting injunction may

be defeated by delay.

Thus, considering the above facts this Court is of the opinion that the ad interim is allowed in the form of status quo thereby directing both the parties to maintain status quo in respect of the suit property. Such status quo is necessary to protect the property and for the ends of justice.

Hence, it is

O R D E R E D

That the present application U/O 39 Rule 1 and 2 read with section 151 CPC for ad interim injunction be and the same is hereby allowed at this stage in the form of status quo.

Both the parties, the plaintiff and the defendants are hereby directed to maintain status quo with regard to the nature, character and activities as on this day in respect of the C schedule suit property.

So the ad interim is allowed till **24.03.2026** in the form of status quo.

Issue notice upon the defendant Nos. 1 & 2 to call upon them to show cause within 15 days from the receipt of such notice as to why the prayer of the plaintiffs for an order of temporary injunction shall not be granted.

Plaintiff is directed to comply with the provisions of Order 39 Rule 3(a) and (b) of C.P.C and furnish to the defendant Nos. 1 and 2:

1. a copy of the injunction application;
2. a copy of the affidavit filed in support of the temporary injunction application;
3. a copy of the plaint;
4. copies of documents on which the plaintiff relies and
5. an affidavit stating that the copies stated above have been so delivered or sent.

Strict compliance of the above to be made i.d. The interim order shall be vacated.

Requisites at once.

Original documents were duly returned.

D/c by me

CJ

**Civil Judge (Jr Divn)
Amta, Howrah**