

**LR Misc Case No. 08 of 2024**

**Order No.12 dated 27.08.2025**

Today is fixed for extension, SR/AD of OPs and hearing of the injunction application u/Or 39 r 1 & 2, and under Section 151 of CPC.

Petitioner filed hazira along with a counter affidavit and an application for extension of ad interim order of injunction.

OP No. 1 filed hazira.

This is the suit for pre-emption.

Ld. Advocate for the petitioner stated that they are the co-sharer in plot No. 1297 by way of inheritance and their names are duly recorded in the LRROR under Khatian No. 2583 and 2606. They also purchased maximum share of the suit property from other co-sharer by virtue of the registered deeds being No. 2405/1990, 1433/2013, 051000873/2022, 1309/2023. The proforma OP No. 2 is a co-sharer over the suit property. It is a joint property and has never been partitioned by metes and bounds. The petitioner is a non-notified co-sharer. On 11.04.2024 the OP No. 1 entered into the suit property along with men and agents and installed pillars over the same. On being asked they have stated that they have purchased the property. On 12.04.2024 the petitioners came to know that the deed No. 888 of 2024 dated 01.04.2024 was executed by the OP No. 2 in favour of OP No. 1. OP No. 1 is a stranger over the suit property. They have inflated the value of the property to Rs. 2 Lakh. The actual consideration amount is Rs. 50,000/-. The petitioner has duly deposited the consideration amount along with the compensation money of 10%. Hence the petitioner has come before the Court with folded hand for grant of temporary injunction by restraining the OP No. 1 from changing the nature and character, alienation in respect of the suit property.

Ld. Advocate for the OP No. 1 stated that the order of ad interim injunction passed in the form of status quo should be made absolute till the disposal of the suit as he has no objection and as such gave the consent.

Heard. Considered.

After perusal of the record it is seen that both the parties have interest over the schedule suit property which needs to be protected at this stage.

Upon a close inspection to the matter and considering the entire facts and circumstances of the case, on perusal of the injunction application as well as affidavit and relevant documents submission of both the parties, this Court does not find any impediment in allowing the injunction application. Further the Court thinks that without the order of injunction the plaintiff shall suffer irreparable loss and injury. In view of the above circumstances prayer for temporary injunction is

considered and allowed in the form of status quo. So both the parties should maintain status quo as to the nature, character and activities as on this day in respect of the suit property till disposal of the suit.

Hence, it is

**ORDERED**

The application u/Or 39 r 1 & 2 CPC r/w section 151 CPC is allowed and disposed of on contest without any order as to cost. Both the petitioner and OP No. 1 are hereby directed to maintain status quo with regard to nature, character and activities as on this day in respect of the suit property till the disposal of the suit.

To **20.09.2025** for framing of issues.

**D/c by me**

**CJ**

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