

LR Misc Case 10 of 2025

Order No.2 dated 15.12.2025

Today the record is placed before me by way of put up which is allowed.

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

No caveat is pending in this case as per the report of the Sheristadar.

Ld. Advocate for the petitioner 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 petitioner 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 petitioner and considered.

Now, the record is taken up for passing order.

This is a suit u/S 8 of WBLR Act.

-: Case of the petitioner :-

The case of the petitioner in a nutshell is that the petitioner is co-sharer in respect of the A schedule suit property. One of the co-sharer in the schedule suit property sold his share to the OP without informing the petitioner, who is also the co-sharer. The suit property is a joint property. Hence the petitioner has come before the Court with folded hands for grant of temporary injunction by restraining the OP from changing the nature and character of the suit property.

DECISION WITH REASONS

Now, the Court has to decide whether on the basis of the documents submitted by the petitioner as well as from the verbal submission of the Ld. Advocate this Court can grant an ex parte order of ad interim injunction in favour of the petitioner or not.

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 submitted by the petitioner, this Court is of the opinion that the petitioner failed to give clarification regarding his ownership. So, at this stage without hearing the OP a blanket order of ad interim injunction cannot be granted to the petitioner. Therefore, this Court, standing upon the situation and considering the facts and circumstances, holds that the balance of convenience and inconvenience does not weigh in favour of the petitioner. Further the Court thinks that without the order of injunction the petitioner shall not suffer irreparable loss and injury. In view of the above circumstances prayer for ad-interim injunction is refused at this stage.

Hence, it is

ORDERED

that the ad-interim injunction as prayed for is hereby refused.

Issue notice upon the OP by calling him to file show-cause within **20 days** (due to winter vacation) on receipt of this notice as to why temporary injunction shall not be granted as per prayer of the petitioner.

D/c by me

CJ

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