

LR Misc Case 01 of 2025

Order dated 25.02.2025

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 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 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 schedule suit property. They got some property by purchasing the same registered deed of conveyance. One of the co-sharer has sold his share to the OP without giving any notice to the petitioner who is the co-sharer. The suit property is a joint property. Hence the petitioners have come before the Court with folded hands for grant of temporary injunction by restraining the OP from changing the nature and character, transferring, raising proper construction, making any pathway in respect of the schedule suit property.

DECISION WITH REASONS

After considering the situation and the documents, this court is of the opinion that the petitioner is the co-sharer in the schedule suit property and he has definite interest in the same. He has also deposited the consideration amount along with ten percent compensation money by filing challan.

At this stage the petitioner 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 petitioner. If an ad interim order is not passed at this stage, it may cause irreparable loss to the petitioner 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.

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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 petitioner and OP, are hereby directed to maintain status quo with regard to the nature, character, possession and activities as on this day in respect of the schedule suit property.

So the ad interim is allowed till **25.03.2025** in the form of status quo.

Issue notice upon the OP to call upon them to show cause within 15 days from the receipt of such notice as to why the prayer of the petitioners for an order of temporary injunction shall not be granted.

Petitioners are directed to comply with the provisions of Order 39 Rule 3(a) and (b) of C.P.C and furnish to the OP:

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 petitioners 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**