

In the court of Additional District Judge, 1st Court, Uluberia, Howrah.

Misc. Appeal 23/2025 (Title Suit 129/2025)

Present : Anirban Chowdhury

(JO Code: WB 00814))

Order No.2, dated 24.07.2025.

Record is put up today for hearing of the prayer for ad interim injunction.

Appellants prays for issuing ad interim order of injunction in respect of the prayer under order 39 rule 1 and 2 of C.P.C.

Copies of some documents as well as original documents have been submitted under cover of firisti.

It has been reported from office that no caveat is pending.

Heard the prayer for ad interim injunction.

Considered.

Appeal has been preferred on 17.07.2025 against the impugned order dated 18.06.2025 which is within time. Hence appeal is admitted.

Issue notice upon the respondents directing them to show causes within 7 days from receipt of the notice as to why the prayer for order of injunction as per under order 39 rule 1 and 2 of C.P.C. shall not be allowed.

As regard to the prayer for ad interim injunction I find that Ld. Trial Judge opined that mere apprehension cannot be ground to fulfill the urgency for granting ad interim injunction.

Appellant instituted the suit seeking partition, injunction and other allied relief claiming his status as co owner in respect of the suit property along with the respondents.

The prayer of the appellant seeking injunction revolves round the claim that none of the co owners should perform any act which results in unilateral partition. It has been argued that the prayer for ad interim injunction has been advanced for safeguarding the interest of the appellant in the suit property and also to ensure his right to maintain this *lis*.

In the circumstances, I find that the object of granting injunction would be defeated by delay and as such the prayer for ad interim injunction merits to be allowed.

Hence it is,

ORDERED

that the prayer for *ad interim* injunction is allowed at this stage *ex parte*.

Both parties are directed to maintain *status quo* in respect of nature, character, possession and ownership of the suit property till 18.08.2025.

Appellant is directed to comply the provision contained order 39 rule 3(a) and (b) of CPC at once.

To date (29.11.2025).

Call for the case record of T.S. 129/2025 from the court of Ld. Civil Judge (Senior Division), 2nd Court, Uluberia.

Office to comply.

Dictated and corrected by me.

Additional District Judge,
1st Court, Uluberia, Howrah.

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