

In the court of Additional District Judge, 1st Court, Uluberia, Howrah.
Misc. Appeal 30/2025 (Title Suit 120/2023)
Present : Anirban Chowdhury
(JO Code: WB 00814))

Order No.3, dated 19.09.2025.

Today is fixed for hearing.

Appellant prays for issuing ad interim order of interim injunction in respect of the impugned order dated 18.08.2025.

Copies of some 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 stay.

Considered.

Appeal has been preferred on 09.09.2025 against the impugned order dated 18.08.2025 which is within time. Hence appeal is admitted.

Issue notice upon the respondent directing him to show causes within 7 days from receipt of the notice as to why the prayer for order of interim injunction shall not be allowed.

As regard to the prayer for ad interim injunction I find that Ld. Trial Judge noted in the impugned order that the appellant has not impleaded necessary parties in the suit and as such turn down the prayer for temporary injunction.

Appellant instituted the suit seeking partition and permanent injunction and other allied relief claiming his status as co sharer in respect of the suit property. Appellant has also claimed to have inherited such property.

In this appeal the appellants contended that Ld. Judge did not consider the law and facts and that materials facts were suppressed before him.

In the circumstances, I find that the impugned order was passed by Ld. Judge upon contested hearing at the oath versus oath stage. The appellant has not submitted any counter affidavit in respect of the plea of non joinder of necessary parties in a suit for partition advanced by the respondent. Hence, as for now I am not inclined to grant the prayer for *ad interim* injunction without according opportunity to the adversaries to represent their version.

Hence it is,

ORDERED

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

To date (09.03.2026).

Call for the case record of T.S. 120/2023 from the court of Ld. Civil Judge (Senior Division), 2nd Court, Uluberia.

Dictated and corrected by me.

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

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1st Court, Uluberia, Howrah.