

**In the court of the Ld. Civil Judge Sr. Division
Jalpaiguri Sadar Court
Present : Sri Miftahul Israr, Civil Judge Sr. Division**

TITLE SUIT NO- 186 of 2026

CIS Filing no. T.S. 907 of 2026

CNR: WBJP03-000412-2026

Pradip Roy

vs

Sabita Roy & 14 others

Order no.2, dated 07-08-2026

The case record is put up today.

The record is taken up for hearing of ad interim injunction application.

Heard the Ld. Advocate for the plaintiff. Perused the case record along with the documents submitted by the plaintiff/ Petitioner.

Seen the report of the Sharistadar to the effect that there is no caveat lodged in respect of the instant suit / injunction petition. So, there is no legal bar to hear the ad interim injunction.

The plaintiff filed an application under order 39 Rule 1 & 2 read with section 151 C.P.C. with a prayer to pass an order of ad-interim injunction against the defendants.

Considered.

The instant suit is filed for partition, separate possession & other consequential relief. From the content of the plaint, instant petition and submission made by the Ld. Advocate for the plaintiff it appears that the plaintiff and defendants are the co-sharer and co-owner in respect of the suit plot which has not been partitioned among them. The plaintiff requested the defendants to make partition of the suit land but they refused.

Considering the submission of the Ld. Advocate appearing for the plaintiff and perusing the case record as well as documents submitted by the plaintiff, it appears that the plaintiff and the defendants are the co-sharer of the suit plot and the same has not been partitioned amicably in between the plaintiff sand defendants. The plaintiff has made out a prima facie case to go into trial.

Moreover, for the sake of justice the suit property is required to be protected until disposal of the case or ascertainment of rights of parties.

Further considering the circumstances, it appears that the balance of convenience and inconvenience is in favour of the plaintiff and the plaintiff may suffer irreparable loss and injury if the injunction order as prayed for is not granted to safeguard the rights of the plaintiff from apprehending to change nature and character of the suit land.

The injunction is an equitable relief same has to be disposed of on the basis of documents or the face value of documents. So, the plaintiff have been able to prove prima facie case as it appears to me from the documents filed by him. So, the prayer of the plaintiff for ad-interim injunction is justified.

Hence, I am of the opinion to pass an order of ad-interim temporary injunction. Furthermore, I am satisfied of the urgency in passing ad interim injunction order and also of the possibility of multiplicity of the suit if ad interim injunction is not granted to the plaintiff.

Hence, it is,

ORDERED

that the prayer of the plaintiff for ad-interim order of injunction against the defendants is considered and allowed on exparte in part at this stage as per above observations.

*The plaintiff and defendants are hereby directed to maintain **status quo** in respect of nature and character in respect of suit property till the next date of hearing.*

Issue notice upon the defendants to file show cause within the next date of hearing as to why the prayer of the plaintiff for granting temporary injunction against them shall not be allowed.

The plaintiff is directed to comply the provisions of Order 39 Rule 3(a) and (b) of CPC and directed further to file requisites for issuing notice upon the defendants.

To ...09-10-2026.... for S/R of notice and filling show cause.

*Civil Judge Sr. Division
Jalpaiguri Sadar Court
J.O. Code: WB01295*

Dictated & Corrected by me:

*Civil Judge Sr. Division
Jalpaiguri Sadar Court
J.O. Code: WB01295*