

Partition Suit No. 27 of 2022

Order No. 37 dated 17.04.2026

Today is fixed for hearing of plaintiff's temporary injunction petition together with petition dt. 03.05.2025 filed by defendant no. 1 to 5 praying for stay of the instant suit.

Both the parties filed respective hazirah.

Accordingly both the above referred petitions is taken up together for consideration.

Heard learned Advocate Sri Gobinda Chakraborty appearing for the plaintiff and Yusuf Ali for the defendants.

I have also gone through the case record of PS no. 248 of 2020 which was filed by the father of the present plaintiff against the present defendants and others.

Having heard the learned Advocate for both the parties and after going through the documents including the case record of PS No. 248 of 2020, it appears that the present plaintiff has filed the instant suit for partition as an independent co-sharer and the earlier one was filed by his father and mother relating their own share. It also appears that the plaintiff has got his share by way of transfer from his father in the year 2014 which is long prior to the institution of the earlier suit.

There is no statutory bar to the effect that a co-sharer is not permitted to bring fresh partition suit due to the reason that another co-sharer has already filed such a suit.

Considering the above facts and circumstances, I am of the opinion that the prayer for stay of the suit as prayed for defendant no. 1 to 5 lacks enough merit and the same is liable to be rejected.

Hence, the petition dt. 03.05.2025 filed by defendant no. 1 to 5 u/S.10 of Civil Procedure Code is considered and rejected.

Now, the temporary injunction petition is taken up for consideration.

Heard both sides.

Heaving the heard the rival submission of learned Advocate of both the parties and the documents relied by the plaintiff, I am of the opinion that there is ***prima facie*** case in favour of the plaintiff and for the purpose of protecting the original nature and character of the suit property till determination of the present suit it is necessary to continue the ad-interim order of injunction till disposal of the present suit.

Hence, plaintiff's temporary injunction petition is considered and allowed on contest with the following order:

'that the ad-interim order of injunction dt. 10.01.2022 is hereby made absolute till disposal of the present suit.'

Contd.....

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Contd..... dated 17.04.2026

At this stage, learned Advocate for the plaintiff submitted that the defendant no. 1 to 5 are doing construction in the suit property in violation the order of injunction. However, learned Advocate for defendant no. 1 to 5 denied the same.

Under such circumstances, O/C, Raninagar PS is directed to ensure that both the parties shall strictly abide the order of injunction passed by this Court vide order dt. 10.01.2022 and made absolute by way of this order.

Fixed **04.06.2026** for awaiting S/R and appearance.

Inform accordingly.

**D & C by me
CJSD, Lalbagh**

**Sd/- Gourab Ghosh,
Civil Judge (Senior Division)
Lalbagh, Murshidabad, W.B
J.O.Code: WB01100.**