

Partition Suit No. 365 of 2026

Order No. 02 dated 07.05.2026

Record is put up today by the plaintiff to move his application made under Order 39 Rule 1 and 2 of Civil Procedure Code, for ad-interim order of injunction.

As per endorsement of Sheristadar, no caveat is pending.

Accordingly, the record is taken up for hearing of plaintiff's prayer for ad interim injunction.

Heard Learned Advocate Sri Bibhas Halder appearing for the plaintiff. Perused the injunction petition and the documents filed by the plaintiff.

On consideration of the submission of learned advocate for the plaintiff, the contents of his relied documents, it prima facie appears that both the parties are co-sharers of the suit property and are in eajmal possession over the same.

At this moment the primary allegation of the plaintiff is that though the suit property has not yet been partitioned amongst its co-sharers by metes and bounds but in spite thereof the defendant No. 1 is trying to occupy its best portion by making pucca construction over the best portion of the 'eajmal' property, which is detrimental to the rights and interest of the plaintiff and rise cause of action in favour of him to file this suit.

Since this is a suit for partition and the parties against whom the proposed injunction is sought for are admittedly found to be co-sharer of the suit property, therefore without hearing the defendants or at least giving them a chance of being heard, passing of a prohibitory order as prayed by the plaintiff, would not be just and proper.

However at the same time I am of the opinion that for the purpose of protecting the original nature and character of the suit property if both the parties are directed to maintain status quo on it, it would not caused any harm to either of them.

Accordingly the plaintiff's prayer for a ad-interim injunction is disposed of with the following order.

“plaintiff as well as defendant No. 1 including their men, agent and/or assignee/s are directed to maintain status quo in the suit property as to its nature, character and possession (as on date), till the next date.”

Issue notice upon the defendant No. 1 asking him to file show-cause within 15 days of receiving the same, as to why the plaintiff's prayer for temporary injunction shall not be allowed.

Fix **15.06.2026** for awaiting SR of injunction notice and further order.

The plaintiff is directed to comply with the provisions of Order 39 Rule 3(a) and (b) of the Civil Procedure Code, at once.

Documents may be returned to the plaintiff, on usual undertaking to refile the same, if called for.

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

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