

Partition Suit No. 484 of 2026

Order No. 02 dated 16.06.2026

Record is put up by petition by the plaintiffs with a prayer to move their temporary injunction petition for an ad interim injunction.

It appears from the note given by the Sheristadar, that no caveat in pending in c/w the subject matter of the preset suit.

Accordingly the record is taken up for hearing of plaintiffs' prayer for an ad-interim injunction.

Heard the Ld. Advocate Sri. Rana Mahanta appearing for the plaintiffs. Perused the plaint, the application for temporary injunction along with the documents annexed thereto.

On careful perusal of the pleadings and materials on record, it prima facie appears that the suit property is an undivided property and the parties are prima facie co-sharers thereon.

The case of the plaintiffs, in brief, is that the defendant no. 1 and 2 are trying to raise pucca construction upon the most valuable portion of the undivided suit property by unilaterally appropriating the same. It is further alleged that when the plaintiffs requested them to first effect partition of their respective shares and thereafter undertake any construction, they paid no heed to such request. The plaintiffs have further alleged that the defendants are very influential in the locality and unless an order of injunction is passed, they may proceed with the construction according to their own whim, thereby seriously prejudicing the rights and interests of the plaintiffs in the suit property. According to the plaintiffs, in case the above defendants can raise the construction, the loss and injury likely to be suffered by them, cannot be adequately compensated pucca in terms of money.

Upon hearing the submissions advanced on behalf of the plaintiffs and upon consideration of the pleadings and documents on record, this Court finds that the plaintiffs have been able to make out a prima facie case in their favour. The balance of convenience and inconvenience also appears to lean in favour of the plaintiffs. This Court is further of the view that for the purpose of preserving and protecting the nature and character of the suit property till partition is effected between the parties, an order of injunction is expedient.

However, it also appears that the defendants, against whom the injunction is sought, are admittedly bona fide co-sharers in respect of the suit property. Therefore, without granting him an opportunity of being heard, it would not be just and proper to pass an absolute prohibitory order of injunction against them at this stage.

Considering the aforesaid aspects and having regard to the facts and circumstances of the present case, this Court is of the considered opinion that the ends of justice would be sufficiently met and no substantial prejudice would be caused to either of the parties if both sides are directed to maintain status quo with regard to the nature, character and existing possession of the suit property as on date until further orders.

Accordingly, the Plaintiffs as well as defendant no. 1 and 2, including their successors, men and agents, are hereby directed to maintain status quo in respect of the nature, character and existing possession of the suit property, as on date, till the next date fixed or until further order/s (whichever is earlier).

Issue notice upon the defendant no. 1 and 2 asking them to file show cause within 15 days from receiving the same, as to why the plaintiffs' prayer for temporary injunction shall not be allowed?

Plaintiffs are also directed to comply the provision of Order 39 Rule 3 (a) & (b) in due time.

Requisites at once.

Fix 15.07.2026 for awaiting SR of Injunction Notice and further order.

D & C by me

CJSD, Lalbagh

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