

Later dt. : 09/12/2025

Issue notice upon the defendant No. **1 & 2** to file show cause within 15 days from the date of receive as to why the ad interim injunction as prayed for shall not be granted against them.

Marginal note of the Office shows that there is no caveat is pending till date.

The Ld. Advocate for the plaintiff move the interim injunction filed u/O XXXIX Rule 1 and 2 read with Section 151 of CPC on the ground of urgency.

Heard the Ld. Advocate. Perused the interim injunction application, plaint and documents filed.

Considering all these, it appears that the instant suit is for declaration and injunction along with an application u/O XXXIX Rule 1 and 2 of CPC. The bone of contention of the injunction application is that the plaintiff and defendant no. 1 are brother and sister by relation and they are co-shares of the suit property by probate. Now the defendant no. 1 & 2 are trying to further constriction on the roof of the suit building illegally without taking permission of Urban Department.

Considering the nature of the suit property and after careful perusal of all documents filed by the plaintiff, prima facie this court hold that Defendant no. 1 & 2 should be restrained.

Accordingly, the prayer is allowed.

Consequently, the Defendant no. 1 & 2 and their men and gents are restrained from any type of construction in the roof of the suit building as mentioned in schedule D in the plaint as well as injunction application, **till 09/01/26.**

The plaintiff is hereby directed to comply with the provision of Order XXXIX Rule 3(a) and 3(b) of C.P. Code.

Requisite at once.

D/C by me,

Civil Judge (Jr. Divin)
Bidhannagar, North 24 Pgs.
J.O. Code WB 01155