

IN THE COURT OF DISTRICT JUDGE,
SOUTH 24-PARGANAS AT ALIPORE

Misc. Appeal No. 31 of 2026

Present : Sri Himanil Bhattacharjee (WB01082) District Judge-in-charge,

Sri Santosh Kundu

... Appellant

Vs.

Sri Kanad Ghosh & Ors.

... Respondents

Order No. 02, dated 06.02.2025

The record is taken up today at the instance of a put-up petition filed on behalf of the appellant.

Ld. Advocate for the appellant prays for moving the application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C.

No caveat is filed as per the note of the Sheristadar.

As such, the record is taken up for hearing of the application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C. in respect of the ad-interim prayer.

Ld. Advocate for the appellant has prayed for an order of ad-interim injunction restraining the respondent nos. 1 and 2 from transferring and/or encumbering the suit property in any manner whatsoever to any third party by manifesting the grounds *inter alia* stated in the application.

Heard the submissions made on behalf of the appellant.

I have scrutinized the record and the documents filed along with the injunction application.

Considered.

It, *prima facie*, appears that the appellant/plaintiff is a resident in the suit property. The deceased brother of the appellant/plaintiff was running a business from the suit property, which is, *prima facie*, made out from the Certificate of Enlistment filed with the injunction application. Though, the right of the appellant/plaintiff particularly in respect of the said business is, *prima facie*, not clearly made out, yet if any third party interest is created by taking advantage of the refusal of the ad-interim order of injunction, the appellant/plaintiff would suffer irreparable loss and injury. The Ld. Advocate for the appellant/plaintiff has fairly submitted that, at this stage, he is not pressing for any *ex parte* order injunction against the respondent no. 3 and only against the respondent nos. 1 and 2 may be debarred from creating any third party interests, which is an innocuous prayer under the facts and circumstances of the instant case. The urgency involved in the situation in hand has transpired from the statements made in the injunction application that have been supported by an affidavit, which, at this stage, are uncontroverted.

Considering all, I am inclined to grant an ad-interim order of injunction for a limited period to secure the ends of justice.

Hence,

it is,

ORDERED

that the prayer for an order of ad-interim temporary injunction is allowed till **05.03.2026**.

The respondent nos. 1 and 2 are, hereby, restrained from creating any third party interest in respect of the suit property as described in the schedule of the injunction application till **05.03.2026**.

The appellant is directed to comply with the provisions enumerated under Order XXXIX Rule 3(a) and 3(b) of C.P.C.

Issue notices upon the respondents asking them to show cause within fifteen days from the date of receipt of notice as to why the instant Misc. Appeal

along with the injunction application shall not be allowed in favour of the appellant.

To date i.e. on **05.03.2026** for S/R and A/D.

Dictated & corrected by me

Sd/- Sri Himanil Bhattacharjee

District Judge I/c

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