

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

Title Appeal No. 19 of 2026

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

Ms. Purbali Hazra

... Appellant

Vs.

Smt. Vaswati Das & Ors.

... Respondents

Later Order No. 01, dated 06.02.2025

The appeal is admitted.

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 no. 1 from transferring/alienating and/or dispossessing the suit property in any manner whatsoever to any third party 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 has an arguable case. An appeal is basically a continuation of a Suit. The appellant had been enjoying an ad-interim order of injunction up to the date of the impugned judgment and decree. However, pending the appeal, if any third party interest is created in respect of the suit property, the appellant may suffer irreparable loss and injury that cannot be compensated by money value. I find that the principal respondent is enjoying the property and she will not suffer any such irreparable loss and injury, if she is only restrained from creating any third party interest in respect of the suit property. 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 **06.03.2026**.

The respondent no. 1 is, hereby, restrained from creating any third party interest in respect of the suit property as described in the schedule of the injunction application till **06.03.2026**.

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 Title Appeal

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

Fix **06.03.2026** for S/R and A/D.

Dictated & corrected by me

Sd/- Sri Himanil Bhattacharjee

District Judge I/c

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