

In the Court of District Judge, South 24-Parganas

Misc. Appeal No. 42 of 2024 (R-42 of 2024)

Present : Sri Abhijit Som (WB01127) District Judge,

South 24 Parganas at Alipore

Sri Samir Naskar & Ors. ... Appellants

Vs.

M/s. Shyamsundar Satyanarayan Textile Pvt. Ltd. & Ors. ... Respondents

Order No. 03, dated 24.04.2024

The record is put up on prayer.

Appeal is filed with the period of Limitation. As such, the appeal is admitted.

Ld. Advocate on behalf of the appellants has filed an application for show-cause and an application under Order 39 Rules 1 and 2 read with Section 151 of C.P.C.

Show-cause is found satisfactory and genuine. As such, the show-cause application is accepted.

Now, the Ld. Advocate on behalf of the appellants moves the application for granting an ad-interim order of injunction.

Heard the Ld. Advocate on behalf of the appellants.

Perused the order impugned.

Issue notice upon the respondents asking them to show cause within fifteen days as to why the prayer for an order of temporary injunction shall not be allowed in favour of the appellants.

Perused the documents filed along with the appeal.

The original suit of the appellants is for declaration, recovery of possession and permanent injunction. It is one of the prayers of the suit that the Deed of Kobala (Sale Deed) dated 09.03.1957 and all subsequent Deeds in connection with said Deed are null and void. The appellants also pray for a decree of eviction and recovery of possession. It is true that the issue of regarding limitation will be decided at the time of hearing of the suit, however, it appears that the present appellants seek relief in the manner of declaration that

the Deeds, Sale Certificate, etc. of previous dates in favour of the respondents are null and void. It is also found that the appellants have failed to make out a case of urgency since the property admittedly is not in their possession when they have prayed for a decree of possession.

Having found no urgency, this Court is not inclined to allow the prayer of ad-interim injunction.

Hence,

it is,

ORDERED

that the prayer for an ad-interim injunction is refused at this stage.

Requisites at once.

To date **(03.08.2024)** for S/R and A/D.

Dictated & corrected by me

Sd/- Sri Abhijit Som

District Judge

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