

IN THE COURT OF DISTRICT JUDGE,

SOUTH 24-PARGANAS AT ALIPORE

**Misc. Appeal No. 91 of 2025 (R-91)**

Present : Sri Dinanath Prasad (WB00639) District Judge-in-charge,

South 24 Parganas at Alipore

**Mahamuda Bibi & Ors.**

**... Appellants**

**Vs.**

**Eleyas Molla & Ors.**

**... Respondents**

**Order No. 03, dated 27.03.2025**

The record is taken up today by virtue of a put up petition filed on behalf of the appellants.

Appeal is filed within the period of limitation. As such, the appeal is admitted.

Ld. Advocate for the appellants has filed an application under Order 39 Rules 1 and 2 read with Section 151 of C.P.C and the same is taken up for hearing.

It appears from the record that no caveat has been filed.

Ld. Advocate for the appellants submits that the appellants had filed a suit before the Ld. Trial Court, being Title Suit No. 319 of 2025, for partition, declaration and permanent injunction along with an application for temporary injunction praying for an order of ad-interim injunction and the said prayer was refused by the Ld. Trial Court. Being aggrieved with the impugned order, the appellants have filed the instant Misc. Appeal along with an application for temporary injunction praying for an order of ad-interim injunction.

Heard the submission of the Ld. Advocate for the appellants.

Perused the application for temporary injunction, which has been supported by an affidavit, and the documents annexed herewith.

It is alleged that respondents are trying to dispossess the appellants from the portion of land under their possession. *Prima facie*, it appears that R.S.R.O.R and L.R.R.O.R are in the name of the predecessor of the appellants.

I find that a *prima facie* case is made out by the appellants to protect the suit property and to prevent multiplicity of proceedings. The balance of convenience and inconvenience is also in favour of the appellants. If, at this stage, an order of protection is not passed in favour of the appellants, then the appellants will suffer irreparable loss and injury and the purpose of filing the instant appeal will become infructuous.

Hence,

it is,

**ORDERED**

that the appellants and respondents to the instant appeal are directed to maintain status quo regarding possession of the suit property and from creating third party interest in respect of the suit property as mentioned in the schedule of the injunction application till **17.04.2025**.

The appellants are directed to comply with the provisions as enumerated under Order 39 Rule 3(a) and 3(b) of C.P.C.

Issue notices.

Requisites at once.

To date i.e. **17.04.2025** for S/R and A/D.

Dictated & corrected by me,

Sd/- Sri Dinanath Prasad

District Judge, I/c

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District Judge, I/c