

IN THE COURT OF DISTRICT JUDGE,

SOUTH 24-PARGANAS AT ALIPORE

Misc. Appeal No. 97 of 2025 (R-97)

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

South 24 Parganas at Alipore

Akash Saha

... Appellant

Vs.

Asim Sardar and Anr.

... Respondents

Order No. 02, dated 24.03.2025

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

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

Ld. Advocate for the appellant 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 appellant submits that the appellant had filed a suit before the Ld. Trial Court, being Title Suit No. 339 of 2025, for 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 appellant has 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 appellant.

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

Upon perusal of the record, it appears that the appellant/plaintiff has, *prima facie*, title and ownership of the suit property.

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

Hence,

it is,

ORDERED

that both the appellant and the respondents to the instant appeal are directed to maintain status quo in respect of nature, character and possession of the schedule property as mentioned in the application for temporary injunction till **23.04.2025**.

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 notice.

Requisites at once.

To date i.e. **23.04.2025** 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