

In the Court of District Judge, South 24-Parganas  
**Misc. Appeal No. 127 of 2024 (R-127 of 2024)**  
**CNR No. WBSP01-005009-2024**  
Present : Sri Abhijit Som (WB01127) District Judge,  
South 24 Parganas at Alipore

Smt. Basanti Mondal & Ors.

... Appellants

Vs.

Sri Prasanta Mondal & Ors.

... Respondents

**Order No. 01, dated 16.04.2024**

The instant Misc. Appeal under Order 43 Rule 1(r) read with Section 151 of C.P.C is at the instance of the appellants against the respondents to impeach the order dated 02.04.2024, passed by the Ld. Civil Judge (Jr. Divn.) 6<sup>th</sup> Court at Alipore in Title Suit No. 516 of 2024.

Court fees paid by the appellants is correct.

Certified copy of the impugned order has been filed.

Register.

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

Requisites filed by the appellants.

At this stage, appellants file an application under order 39 rule 1 and 2 read of 151 of C.P.C for injunction.

Heard the Ld. Advocate on behalf of the appellants.

Perused the order impugned.

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

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.

It is the case of the appellants that they, along with the proforma respondents, are the rightful owners in respect of the suit property. Now, the respondents, who have no right, title and interest over the suit property, are trying to trespass into the suit property in order to grab the same. No doubt, the deeds and documents have been filed by the appellants to show their *prima facie* case. At least, an arguable case has been made out by the appellants and it is given to understand that if they are dispossessed they will suffer irreparable loss.

Having found a good *prima facie* case and balance of convenience and inconvenience in favour of the appellants, this Court is of the view that an ad-interim injunction may be granted where irreparable loss is apprehended.

Hence,

it is,

**ORDERED**

that the prayer for an ad-interim injunction is allowed *ex parte*.

The appellants and the respondents are directed to maintain status quo in respect of the nature, character and possession of the suit property till **13.05.2024**.

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

Fix **13.05.2024** for S/R and A/D.

Dictated & corrected by me

Sd/- Sri Abhijit Som

District Judge

Sd/- Sri Abhijit Som

District Judge