

In the Court of District Judge, South 24-Parganas
Misc. Appeal No. 176 of 2025 (R-176)
Present : Sri Dinanath Prasad (WB00639) District Judge-in-charge
South 24 Parganas at Alipore

Mirpur Taifurian Committee & Imambara Trust

.....Appellant

Vs.

Jyoti Molla & ors.

..... Respondents

Order No. 01 dated 03.06.2025

The instant Misc. Appeal under Order 43 rule 1 (r) read with section 151 of the C.P.C. is at the instance of the Appellant against the respondents to impeach the ***order dated 21.05.2025 passed by the Ld. Civil Judge (Jr. Divn), 6th Court at Alipore in Title Suit No.769 of 2025.***

Court fees paid by the appellant is correct.

Downloaded copy of the impugned order has been filed.

Register.

Requisite has not been filed.

Appellant also files an application for leave to file the appeal without the certified copy of the impugned order.

Leave is hereby granted and permitted to file the appeal without the certified copy of the impugned order.

Appeal is filed within the prescribed period of limitation as per the downloaded copy of the impugned order. As such, there is no impediment to admit the appeal and thus, the appeal is admitted.

At this stage, the appellant files an application u/Or 39 R 1 & 2 read with Section 151 CPC for injunction.

It appears from the record that there is no caveat and as such, the injunction application is taken up for hearing.

Heard the submissions of Ld. Advocate for the appellant/plaintiff.

Perused the application as well as the materials on record.

This instant Misc. Appeal has been preferred against the order of refusal of ad-interim injunction order passed by the Ld. Civil Judge (Jr. Divn.), 6th Court at Alipore, South 24 Parganas in Title Suit No. 769 of 2025.

From the copy of the impugned order, it appears that Ld. Trial Court has refused the prayer for ad-interim order of injunction on the ground that without hearing the respondents, a blanket order of ad-interim injunction cannot be granted.

Ld. Advocate for the appellant submits that the appellant has prayed for an order of injunction restraining the defendants/respondents and their men and agents from interfering or creating any type of obstruction over the Schedule "A" property and also from entering into the Schedule "B" property.

Perused the application as well as the materials on record.

Having considered the submissions of Ld. Advocate for the appellant and the documents annexed with the application, I find that the plaintiff/appellant has failed to establish a prima-facie case in its favour at this stage for granting an ad-interim order of injunction. I also do not find any urgency to allow the prayer for ad-interim injunction without hearing the other side at this stage.

Hence, it is,

ORDERED

the prayer for an order of ad-interim order of injunction in favour of the appellant is refused at this stage.

Issue notice.

Requisites at once.

Fix **26.06.2025** for S/R and A/D.

D/c by me,

Sd/- D. Prasad

District Judge I/c

Sd/- D. Prasad

District Judge I/c