

In the Court of District Judge, South 24-Parganas

Misc. Appeal No. 253 of 2024 (R-253)

Present : Sri Dinanath Prasad (WB00639) District Judge-in-charge,
South 24 Parganas at Alipore

Abhishek Jaiswal

... Appellant

Vs.

Biplab Das & Ors.

... Respondents

Order No. 02, dated 02.08.2024

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

Appeal is admitted.

The application under Order 39 Rules 1 and 2 read with Section 151 of C.P.C is taken up for hearing.

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

The case of the appellant/plaintiff is that someone by false personification used his identity and has sold the property to the respondent/defendant no. 1 in collusion with other respondents and that the appellant is the original owner of the suit property and he never sold the same in favour of the respondents and others.

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.

From the copy of impugned order, it appears that the Ld. Trial Court has refused to pass an ad-interim order of injunction on the ground that it will not be proper to pass any order without giving notice to the other side. From the copy of documents, it, *prima facie*, appears that there is

registration of the Sale Deed in the name of the appellant by false personification. So, I think that in this case, there is urgency for passing an *ex parte* order without giving notice to the other side otherwise there will be chance of irreparable loss and injury.

Hence,

it is,

ORDERED

that the prayer for an order of ad-interim injunction is allowed in favour of the appellant till **23.08.2024**.

The respondents and their men and agents are restrained from transferring, alienating or encumbering and/or creating any third party interest in respect of the schedule property till **23.08.2024**.

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

Issue notice.

To date i.e. on **23.08.2024** for S/R, A/D and for filing proper C.F. in the injunction application.

Dictated & corrected by me,

Sd/- Sri Dinanath Prasad

District Judge, I/c

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