

In the Court of District Judge, South 24-Parganas

Misc. Appeal No. 266 of 2023 (R-266 of 2023)

CNR No. WBSP01-011127-2023

Present : Sri Abhijit Som (WB01127) District Judge,

South 24 Parganas at Alipore

Subhra Das @ Papia Biswas & Ors.

... Appellants

Vs.

Sunil Chandra Ghosh and Anr.

... Respondents

Order No. 01, dated 03.08.2023

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 27.06.2023, passed by the Ld. Civil Judge (Jr. Divn.) 4th Court at Alipore in Title Suit No. 930 of 2023.

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, there is no impediment to admit the appeal and, thus, 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.

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.

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.

Perused the documents filed along with the appeal.

It is the case of the appellants/plaintiffs that the respondent no. 2 and their mother were the owners in respect of the property and, subsequently, after

the death of the mother, the appellants became the owner in respect of their mother's share along with the respondent no. 2. It is their further case that respondent no. 2 suppressing fact sold out the property in favour of the respondent no. 1. Now, the appellants pray for an ad-interim order so that further transfer of the suit property may not happen causing multiplicity of proceedings.

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 respondents are, hereby, restrained by an ad-interim order of injunction from making any sort of transfer or alienation of the suit property till **02.09.2023**.

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

Fix **02.09.2023** S/R and A/D.

Dictated & corrected by me

Sd/- Sri Abhijit Som

District Judge

Sd/- Sri Abhijit Som

District Judge