

IN THE COURT OF DISTRICT JUDGE,  
SOUTH 24-PARGANAS AT ALIPORE

**Misc. Appeal No. 318 of 2025 (R-318)**

Present : Sri Chinmay Chattopadhyay-II (WB00695) District Judge-in-charge,

**Rizia Bibi & Ors.**

**... Appellants**

**Vs.**

**Tandir Alam & Ors.**

**... Respondents**

**Order No. 03, dated 22.09.2025**

The record is taken up today at the instance of a put up petition filed on behalf of the appellants.

Ld. Advocate for the appellants prays for moving the application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C.

As per office report, no caveat has been filed.

As such, the application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C. is taken up for hearing.

The facts of the case, in a nutshell, are that originally one Abeadat Ali Baidya, since deceased, being the predecessor-in-interest of the appellants was the owner of danga land. Out of land measuring about about 14.53 acres of land, about 3.10 acres were sold to third party and the remaining balance land measuring about 11. 43 acres were retained by Ebeadat Ali Baidya. Said Ebeadat

Ali Molla died intestate leaving behind three sons and six daughters. After the death of Abeadat Ali Baidya, his sons and daughters on 16.08.2000 entered into a Deed of Partition in respect of land measuring about 10.40 acres and the said Deed of Partition was kept pending as the deficit duties were not paid. As per pending partition, six daughters of said Ebeadat Ali Molla were allotted schedule 'A' property. While the Partition Deed was pending, the respondent nos. 3 to 6 and father of respondent nos. 1 and 2 by false misrepresentation executed the alleged Sale Deeds, which is described in schedule 'B' property without any monetary consideration. By virtue of alleged Sale Deeds, the respondents are attempting to record their names before the concerned authority and attempting to oust the appellants from the suit property. On 29.08.2025, the respondents and their men and agents attempted to oust the appellants from the suit property forcibly, but due to intervention of local people, such attempt by the respondents failed. The appellant was compelled to file a suit, being Title Suit No. 1414 of 2025 before the Ld. Trial Court along with an application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C. with a prayer for an order of ad-interim injunction which the Ld. Trial Court refused. As such, the appellants have filed the instant Misc. Appeal along with an application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C. praying for an order of ad-interim injunction.

Ld. Advocate for the appellants draws the attention of this Court to the order of the Hon'ble High Court at Calcutta passed in **W.P.A No. 20964 of 2025**.

Heard the submission of the Ld. Advocate for the appellants.

Perused the materials annexed with the record.

Upon perusal of the solemn order of the Hon'ble High Court at Calcutta

passed in **W.P.A No. 20964 of 2025**, it appears that the State submitted a report that the appellants are in possession of the suit property and the Hon'ble Court directed the police authorities to ensure that the appellants are not dispossessed from the property.

As such, considering the materials available on record and the averments made in the application for temporary injunction, which has been supported by an affidavit, it appears that the appellants have been able to make out a *prima facie* case in their favour and the balance of convenience and inconvenience is also in favour of the appellants. If, at this stage, an order of ad-interim injunction is not granted in favour of the appellants, then the appellants will suffer irreparable loss and injury and purpose of filing the instant appeal will be rendered infructuous. Urgency is also evident from the case record and there may also arise chances of multiplicity of proceedings if an order of ad-interim injunction is refused at this stage.

Hence,

it is,

**ORDERED**

that the prayer for an order of ad-interim injunction is allowed in favour of the appellants for a restricted period till hearing the respondents till **19.11.2025** (as Puja Vacation intervenes).

The respondents and their men and agents are restrained from dispossessing the appellants from schedule 'A' property without due process of law till **19.11.2025**.

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 notices upon the respondents asking them to show cause within 15 (fifteen) days from receipt thereof as to why the instant Misc. Appeal shall not be allowed in favour of the appellants.

Requisites at once.

To date i.e. on **19.11.2025** for S/R and A/D.

Dictated & corrected by me,

Sd/- Sri Chinmay Chattopadhyay-II

District Judge I/c

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District Judge I/c