

IN THE COURT OF DISTRICT JUDGE,

SOUTH 24-PARGANAS AT ALIPORE

Misc. Appeal No. 329 of 2025 (R-329)

Present : Sri Dinanath Prasad (WB00639) District Judge-in-charge

Order No. 02, dated 25.09.2025

The record is put up on prayer.

Ld. Advocate for the appellant prays for moving the application filed under Order 39 Rules 1 and 2 read with Section 151 of C.P.C.

As per office report, no caveat has been filed.

Ld. Advocate for the appellant prays for an order of ad-interim injunction against the respondents manifesting the grounds stated inter-alia therein.

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

Perused the record and the materials annexed herewith.

Upon hearing the submissions made on behalf of the appellant and on perusal of the materials on record, it appears that this is a dispute regarding 7 feet wide common passage which is the main ingress and egress as described in schedule 'B' of the injunction application.

Considering all aspects, this Court is of the view that the appellant/plaintiff has been able to make out a *prima facie* case in his favour and the balance of convenience and inconvenience is also in favour of the appellant. If, at this stage, an order of ad-interim injunction is not passed in favour of the appellant for preservation and protection of the suit property, then the appellant would suffer irreparable loss and injury and filing of the instant appeal would become

infructuous. There may also arise multiplicity of proceedings if an order of ad-interim injunction is refused at this stage.

Hence,

it is,

ORDERED

that the prayer for an ad-interim order of injunction is allowed in favour of the appellant for a restricted period till **10.11.2025** (as Puja vacation intervenes).

Both the parties to the instant appeal are directed to maintain status quo in respect of nature, character and possession of schedule 'A' and 'B' property as mentioned in the schedule of the injunction application and the respondents and their men and agents are restrained from blocking the schedule 'B' property till **10.11.2025**.

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

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

Fix **10.11.2025** (as Puja vacation intervenes) for S/R and A/D.

Dictated & corrected by me,

Sd/- (Sri Dinanath Prasad)

District Judge I/c

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