

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

Misc. Appeal No. 347 of 2025 (R-347)

Present : Sri Subhradip Mitra (WB01129) District Judge at Alipore

Sri Satya Ranjan Ghosh & Anr.

... Appellants

Vs.

Smt. Jharna Mondal (Gayen)

... Respondent

Order No. 02, dated 26.09.2025

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

Ld. Advocate for the appellant prays for moving the application for stay dated 25th September, 2025.

As per office report, no caveat has been filed.

As such, the application for stay is taken up for hearing.

Ld. Advocate for the appellants prays for stay of operation of all further proceedings in order dated 30.07.2025 passed by Ld. Additional Civil Judge (Jr. Divn.) 3rd Court at Alipore, South 24 Parganas, in Title Suit No. 1203 of 2025, manifesting the grounds that the suit property belong to one Upendra Nath Gayen, who during possession and enjoyment of the same, died intestate in the year 1993. Said Upendra Nath Gayen left behind his wife, one daughter and two sons. The suit property was not partitioned. Ld. Advocate further submitted that the respondent, being the plaintiff, filed one Suit, being Title Suit No. 892 of 2023, before the Ld. Civil Judge (Jr. Divn.) 3rd Addl. Court at Alipore, South 24 Parganas, along with an

application for temporary injunction. The appellants in the said Suit appeared and contested the same by filing Written Statement. The said Suit was dismissed for default on account of non taking of steps by the respondent/plaintiff. Subsequently, the respondent filed another Suit being Title Suit No. 144 of 2024 before the Ld. Civil Judge (Jr. Divn.) 9th Court at Alipore, South 24 Parganas, in respect of the same property and the present appellants also filed Written Statement in the Title Suit No. 144 of 2024. The respondent, thereafter, filed another Suit being Title Suit No. 1203 of 2025 before the Ld. Civil Judge (Jr. Divn.) 3rd Addl. Court at Alipore, South 24 Parganas and obtained an order of ad-interim injunction and after getting an ad-interim order the respondent with the help of local goons and anti-social elements are disturbing the peaceful possession of the appellants. As such, the appellants have filed the instant Misc. Appeal being aggrieved with the said order of ad-interim injunction and also filed an application for stay.

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

Perused the materials annexed herewith, namely, photocopies of impugned order, B.L.R R.O.R, panchayet Tax Receipt, Death Certificate of Upendra Nath Gayen, plaint of Title Suit No. 144 of 2024, etc.

Upon hearing the submissions made by the Ld. Advocate for the appellants and upon appraisal of the materials on record, it appears that the suit property in question is a joint property and the present appellants have 2/3rd share and 1/3rd share belongs to their sister, namely, Karuna Gayen. It has been apprehended that the present respondent might have purchased undivided 1/3rd share of the suit property and is trying to take possession of the entire property by virtue of the ad-interim injunction order as has been passed by the Ld. Trial Judge.

As such, considering the entire aspect of the matter, this Court is of

the view that there is urgency in the matter and if the prayer for ad-interim stay is refused at this stage, then the very purpose of filing of the instant Misc. Appeal would be rendered infructuous. As such, this Court is of the view that an ad-interim order of stay of the impugned order can be granted for a restricted period till hearing the respondent.

Hence,

it is,

ORDERED

that the prayer for an order of ad-interim stay in favour of the appellants is allowed for a restricted period till **18.11.2025**.

Let there be an ad-interim order of stay of the operation of the order dated 30.07.2025 passed by Ld. Additional Civil Judge (Jr. Divn.) 3rd Court at Alipore, South 24 Parganas, in Title Suit No. 1203 of 2025 till **18.11.2025**.

Issue notice upon the respondent asking her to show cause within 15 (fifteen) days from receipt thereof as to why the instant appeal filed by the appellants shall not be allowed.

Fix **18.11.2025** for S/R and A/D.

Let a copy of this order be sent to the Ld. Additional Civil Judge (Jr. Divn.) 3rd Court at Alipore, South 24 Parganas, for information.

Dictated & corrected by me,

Sd/- Sri Subhradip Mitra

District Judge

Sd/- Sri Subhradip Mitra

District Judge