

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

**Misc. Appeal No. 396 of 2025 (R-396)**

Present : Smt. Monikuntala Roy (WB01088) District Judge-in-charge,

**Sri Pradyot Kumar Addy**

**... Appellant**

**Vs.**

**Smt. Swarupa Talapatra**

**... Respondent**

**Order No. 02, dated 09.12.2025**

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

Appeal is admitted.

Ld. Advocate for the appellant files an application under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C.

Ld. Advocate for the appellant prays for moving the application files 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 for temporary injunction is taken up for hearing in respect of the ad-interim prayer.

The case of the appellant, in a nutshell, is that appellant is a music teacher and he is the sole and absolute owner in respect of the suit property. The respondent was a student under the appellant, who is a music teacher. The appellant's further case is that he bought the suit property at a consideration price of Rs. 33 lakhs and the respondent assured to pay 50% of the consideration amount to the appellant and in that regard, the appellant bought the suit property in joint ownership with

the respondent. The appellant's further case is that on 28.08.2025, the respondent along with her husband and other unknown persons came to the suit property and demanded the original Deed of Conveyance dated 04.07.2025 and when the appellant asked the respondent of paying her due consideration amount, the respondent threatened the appellant with dire consequences. The appellant thereafter lodged a complaint before the Kasba P.S. The appellant further states that the respondent has no right, title and interest over the suit property. The appellant was also compelled to file a Suit for declaration, permanent and mandatory injunction, being Title Suit No. 1644 of 2025, before the Ld. Trial Court along with an application for temporary injunction praying for an order of ad-interim injunction, which the Ld. Trial Court refused. Being aggrieved with the same, the appellants have preferred the instant appeal along with an application for temporary injunction praying for an order of ad-interim injunction.

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

Perused the materials annexed herewith including the impugned order.

Upon hearing the submissions made by the Ld. Advocate for the appellant and upon appraisal of the materials on record, it, *prima facie*, appears from the Deed of Conveyance dated 04.06.2025 that the appellant and the respondent are in joint ownership in respect of the suit property. Therefore, at this nascent stage, it would not be erudite to pass an order of ad-interim injunction against the respondent without affording the respondent an opportunity of being heard.

Therefore, regard being had to the above facts and circumstances, this Court is of the view that the appellant has not been able to make out a *prima facie* case in his favour and the balance of convenience and inconvenience is also not tilting in favour of the appellant at this stage.

Hence, it is,

**ORDERED**

that the prayer for an order of ad-interim injunction in favour of the appellant

is refused.

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.

To date i.e. on **06.03.2026** for S/R and A/D.

Dictated & corrected by me,

Sd/- Smt. Monikuntala Roy

District Judge

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District Judge