

In the Court of District Judge, South 24-Parganas

Misc. Appeal No. 416 of 2025 (R-416)

CNR No. WBSP01-017620-2025

Present : Sri Dinanath Prasad (WB00639), Sessions Judge I/c, Alipore

Sri Madhusudan Dhali and Ors

... Appellant

Vs.

Sri Amit Dhali and Ors

... Respondents

Later Order dated 17.12.2025

After passing the above order, the appellants moved the application under Order 39 Rule 1 and 2 read with 151 of Civil Procedure Code filed today.

It appears from the record that no caveat has been filed.

This instant Misc. Appeal has been preferred against the order of refusal of ad-interim injunction dated 01.12.2025 passed by the Ld. Civil Judge (Jr. Divn.), 1st Court at Alipore, South 24 Parganas in Title Suit No. 1929 of 2025.

From the copy of the impugned order, it appears that Ld. Trial Court has been pleased to reject the application for ad-interim injunction holding the same to be barred by law.

Ld. Advocate for the appellant/plaintiff submits that the appellants/plaintiffs have prayed for an order of ad-interim injunction restraining the defendants/respondents and their men and agents from changing the nature and character and encumber in the Schedule Suit property and not to obstruct free egress and ingress in the Schedule property till disposal of the appeal.

Heard the submissions of Ld. Advocate for the appellant.

Perused the application as well as the materials on record.

Having considered the submissions of Ld. Advocate for the plaintiffs/appellants and the documents annexed with the application, I find that this is suit for declaration and injunction having right, title of the suit property. As the appellant/plaintiff is in possession of the suit property, hence, a good prima facie case has been made out by the appellant for getting an order of ad-interim injunction to protect the suit property and to prevent multiplicity of proceeding and there may be a chance of irreparable loss and injury in case an order of ad-interim shall not be passed. Balance of convenience and inconvenience is in

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favour of the appellants .

Hence, it is,

ORDERED

that the prayer for an order of ad-interim injunction is allowed in favour of the appellant till **19.01.2026**.

As it appears that prima facie made out for limited purpose for presenting the suit both the parties are directed to maintain status quo in respect of possession of the suit property till 19.01.2026.

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

Issue notice.

Requisites at once.

To date for S/R and A/D.

D/c by me,

Sd/- Dinanath Prasad

District Judge I/c

Sd/- Dinanath Prasad

District Judge I/c