

**Misc. Appeal 06/2025.**

**Order No.03, dated 02.04.2025.**

The petition under order 39 rule 1 and 2 r/w S.151 of the C.P. Code is moved by the Ld. Advocate on behalf of the Appellant, exparte.

Perused the said petition.

The Appellant files some documents by firisti.

As per report of Seresthadar no Caveat is pending.

The crux of the case of the Appellants is that the appellant and the respondent are lawfully married couple, their marriage was solemnized on 20.02.1994 according to Hindu Rites & Customs including Saptapadi. In the said marriage, both were blessed with one son and a daughter who are now major. It is the categoric contention of the appellant that in the year 2023, the appellant purchased one flat, as morefully described in the schedule of the instant petition and situated at second floor of Zarina Block, Swarnamani Complex at premises No.163B, Manicktala Main Road, P.S. Manicktala, Kol-54 together with Servant Quarter, apartment being No.2ZB. But in turn of events, the appellant came to know about extra marital relationship of her husband/defendant/respondent and thereafter she initiated Matrimonial Suit No.63/24, pending before this Court. The main allegation of the plaintiff/appellant is that the defendant/respondent and his main and agents are trying to create a third party interest in the suit property by transferring the said flat and threatened the plaintiff with dire consequences. Hence, this instant petition for temporary injunction.

Heard Ld. Advocate on behalf of the Appellant.

Perused the documents filed by the Appellant.

Considered.

From the perusal of the documents on record namely, from the purchase deed I find that the suit schedule property was purchased in the joint name of both the appellant/plaintiff and the defendant/respondent. Also from the perusal of letter of complaint dated 03.03.25, it appears that the plaintiff is apprehensive about the overt act of the defendant in respect of the suit schedule property. So, for preservation and protection of the suit schedule property is the need of the hour and an order in the nature of status quo will suffice the purpose. In view of above observation and keeping in view of the spirit of provisions of Order 39 of CP Code,

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Hence, it is,

Ordered

that the petition U/O 39 Rule 1 and 2 read with Sec.151 o CP Code is allowed exparte but in the form of status quo.

Both parties are directed to maintain status quo in respect of possession of the suit property till 3<sup>rd</sup> May, 2025.

Appellants to comply the provision of Order 39 Rule 3(a) and (b) of CPCCode immediately.

Issue notice upon the Respondents calling upon them to file Show Cause within 15 days of passing of this order asking as to why the appellant's prayer for temporary injunction shall not be granted till disposal of this instant Mis. Appeal.

To date for SR and A.D and TCR.

Call for TCR.

BC to do the needful.

D/C by me,

ADJ, FTC II, Sealdah.

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