

**Misc Appeal – 49 of 2024(R-49/24)**

**Order No. 2 dtd 04.4.2024.**

The record is put up today on the basis of a put up petition filed by the appellant.

Appellant also filed photocopy of some documents. The same be kept with the record.

The record is taken up for hearing on the point of admission.

Heard the Ld. Advocate for the appellant who prays for admission of the appeal.

The memo of appeal disclosed that the instant appeal has been preferred against the order dated 13.3.2024 passed by the Ld. Civil Judge (Junior Division), Ghatal, Paschim Medinipur in T. Suit 28 of 2024. The memo of appeal has been filed along with the certified copy of the impugned order.

From the memo of appeal and the impugned order, I do not find any reason to dismiss the appeal at this stage.

Therefore, the appeal is admitted.

The application under Order-39 Rule 1 & 2 of CPC is taken up for hearing.

Ld. Advocate for the appellant submitted that "A" schedule property is the part of "B" schedule property. The suit property being plot no. 923/1292 measuring 80 dec. was previously belonged to Bharatibala Ray, i.e. the mother of the appellant. Mother of the appellant gifted "A" schedule property along with other property by deed of gift being No. 688 of 1984. The respondents have no connection with the "A" schedule suit property. The respondents are trying to create disturbance in the peaceful possession of the appellant and also are trying to dispossess the appellant from the "A" schedule suit property. Accordingly, the appellant prayed for an order of temporary injunction against the respondents.

Perused the petition praying for injunction and the documents relied upon by the appellant. Also perused the impugned order.

Being satisfied prima facie this appellate court is of the view that the appellant is entitled to get an order of ad interim injunction over the "A" scheduled property.

Hence, the respondents are hereby directed not to disturb the peaceful

possession of the appellant over the "A" schedule property and not to dispossess the appellant from the "A" schedule property and shall not change the nature and character of the "A" scheduled property till 06.5.2024.

Fix 06.5.2024 for S/R, appearance and W/O, if any, by the respondents.

Appellant is directed to comply with the provision under Order-39 Rule-3(a)(b) of C.P.C.

Issue notice upon the Respondents. Requisite at once.

Call for LCR.

Todate.

Dictt and Corrt by me

D.J.

District Judge  
Paschim Medinipur