

In the Court of District Judge, Paschim Medinipur.

M. Appeal no - 137 of 2024
(R- 141 of 2024)

Abdul Mannan Sekh @ Sk. Abdul Mannan..... Appellant.

Vs

Sk. Samim Ali Respondant.

Present :- Sri Sanjoy Kumar Das,
District Judge, Paschim Medinipur.

Order No. 01 dt. 02.8.2024

This memo of Appeal is preferred against the order dated 02.7.2024 **passed by Ld. Civil Judge (Junior Division), 2nd Court, Paschim Medinipur in c/w T. Suit No. 340 of 2022** along with a certified copy of impugned order. Appellant also filed a petition under Order 39 Rule 1 & 2 of CPC read with Sec. 151 of CPC. The same be kept with the record.

No caveat is pending against the said appeal.

The Appeal has been presented within the time limit.

Register it as M. Appeal.

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

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

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 petition under Order 39 Rule 1 & 2 read with sec. 151 of CPC is taken up for hearing.

Ld. Counsel for the appellant moves the application under Order 39 Rule 1 & 2 of CPC and prays for an order of temporary injunction.

Briefly stated fact of the case as well as assertion of the Ld. Counsel for the appellant is that Sk. Kader Ali is the owner of the suit land. He transferred the suit property to the appellant by a registered sale deed being No. 1566 of

1989. The respondent is creating disturbance over the suit property and threatened the appellant for dispossession from the suit property. Accordingly, appellant prayed for an order of temporary injunction till the disposal of the instant case.

From the injunction application supported by affidavit, it appears that the appellant has made out a prima facie case.

So, both the parties are directed to maintain status quo in respect of the nature and character of the suit property as on this day and not to dispossess the appellant till 03.9.2024.

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

Issue notice upon the Respondent . Requisite at once.

Appellant to take step.

Call for LCR from the concerned court.

Today i.e. 03.9.2024 for S/R, appearance and LCR.

Dic. & corr. by me.

D.J.

District Judge,
Paschim Medinipur.