

AD-24
Ct No.16
19.05.2026
TN

FMAT 161 of 2026
IA No: CAN 1 of 2026

Rightex Trading Private Ltd
Vs.
Lambawala Tea Plantation Private Ltd and
others

Mr. Abir Lal Chakraborty

..... for the appellant

1. The present appeal arises from a suit for declaration of title and permanent injunction.
2. The premise of the plaintiff/appellant's case is that the plaintiff was granted a lease of the subject tea garden by the State of West Bengal, pursuant to which the plaintiff is in possession of the same. Such possession, it is submitted, was being disturbed by the defendants/respondents, leading to the institution of the present suit and the connected injunction application.
3. The learned Trial Judge, while taking note of the lease deed of 2007 and the recording of the name of the plaintiff/tea plantation in the LR records of rights, as well as the police complaints lodged by the plaintiff/appellant and the connected photographs, declined to grant ad interim injunction without assigning any reason whatsoever.
4. We find substance in such contention inasmuch as the impugned order of refusal is absolutely cryptic and in a sense perverse inasmuch as despite recording the sufficient materials produced by the plaintiff to entitle

the plaintiff to an injunction, the learned Trial Judge, without any reason, declined to pass ad interim injunction.

5. Order XXIX Rule 3 of the Code of Civil Procedure necessitates the reasons for granting *ex parte* ad interim injunction if passed in the absence of the defendant, but does not dispense with the basic requirement of recording reasons even if such injunction is refused.
6. Accordingly, the appeal is admitted and shall be heard on the above questions and the other grounds taken in the memorandum of appeal.
7. The defendants/respondents and their men and agents shall remain restrained by an order of injunction from disturbing the peaceful possession of the appellant in respect of the suit property as well as from selling, transferring, alienating and/or encumbering the suit property in favour of third parties in any manner whatsoever till disposal of CAN 1 of 2026.
8. The appellant shall serve copies of the application on the respondents indicating that the application shall be listed for hearing next in the monthly list of July, 2026, when an affidavit-of-service to that effect shall be filed by the appellant.

(Sabyasachi Bhattacharyya, J.)

(Biswaroop Chowdhury, J.)