

6th April,
2026
(AK)
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F.M.A.T 259 of 2025
IA No: CAN 1 of 2025

Munshi Hafijur Rahaman
Vs.
Munsi Nargis Jahan and others

Mr. Md. Mahmud
Mr. Chottu Naskar

....For the appellant.

1. The present appeal arises from an order dismissing the plaintiff/appellant's temporary injunction application filed in a suit for partition.
2. Although the plaintiff/appellant claims title in respect of the suit property through his predecessor-in-interest, at the time of hearing of the injunction application, the defendant/respondent no.1 filed a copy of a *Solenama* decree passed in Title Suit No. 55 of 1999 before the learned Civil Judge (Junior Division), Third Court at Purba Bardhaman from which the learned Trial Judge found that the possession of the defendant no.1 over the suit property was admitted by Foizunnessa Bibi, the predecessor-in-interest of the appellant.
3. It was further observed in the impugned order that such decree has not been challenged and is still in force.

4. Moreover, the learned Trial Judge observed that there is no record of rights in the name of the plaintiff/appellant in respect of the suit property.
5. On the premise of such observations, the learned Trial Judge disbelieved the case of the appellant that the appellant is in possession of the suit property.
6. Although, in the injunction application filed in connection with the present appeal, the appellant has sought status quo not only with regard to possession but also nature and character of the suit property as well as in respect of creation of third party interest, it is well-settled that the Appellate Court, while sitting in appeal over an order of the trial court in respect of an injunction application, cannot expand the scope of the appeal by considering reliefs which were not sought in the temporary injunction before the trial court in the first place.
7. From the temporary injunction application filed in the trial court, which was dismissed by the present impugned order, we find that the plaintiff/appellant only sought injunction restraining the defendant/respondent no.1 and her men and agents from putting any obstruction and/or creating any sort of disturbances in the matter of peaceful possession of the plaintiff/appellant in

respect of the suit property and did not ask for injunction of any other nature.

8. Hence, since the learned Trial Court based its findings on sufficient materials produced before it and came to the specific conclusion that the plaintiff/appellant failed to prove his physical possession in respect of the suit property, the Trial Court rightly refused the appellant's prayer for injunction in respect of his alleged possession.
9. Thus, we do not find any scope or reason to interfere with the impugned order.
10. Accordingly, FMAT 259 of 2025 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.
11. Consequentially, CAN 1 of 2025 stands dismissed as well.
12. There will be no order as to costs.
13. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)