

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

IA No. GA/1/2024
CS/210/2024

KAUSTUBH JHUNJHUNWALA
-VS-
SUDHA JHUNJHUNWALA

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : November 27,2024.

Appearance:

Mr. Abhirup Chakraborty, Adv.
...for the plaintiff

The Court: Mr. Abhirup Chakraborty, learned advocate, is appearing for the plaintiff.

Plaintiff has filed a suit for partition of Schedule 'A' and Schedule 'B' property as mentioned in the plaint as well as in the present application. The plaintiff has filed the present application for grant of ad interim injunction.

The plaintiff born out of the wedlock between Sunil Jhunjhunwala alias Sunil Kumar Jhunjhunwala alias Suneel Kumar Jhunjhunwala and one Ila Rani Jhunjhunwala. The father of the plaintiff had got a decree of divorce from his wife from the Court of Additional District Judge at Alipore on 5th July, 1986. After the divorce between Sunil Jhunjhunwala alias Sunil Kumar Jhunjhunwala alias Suneel Kumar Jhunjhunwala and Ila Rani Jhunjhunwala, the father of the plaintiff had married second time with the defendant, namely, Sudha Jhunjhunwala. The father of the plaintiff died on

7th September, 2024 leaving behind the plaintiff and the defendant as his legal heirs.

Counsel for the plaintiff submits that father of the plaintiff left behind Schedule 'A' and Schedule 'B' property and the plaintiff has inherited half share of the property left behind by his father. Counsel for the plaintiff submits that for a considerable period of time, the father of the plaintiff resided with the defendant and the defendant had children with her previous marriage and as such there is every possibility that the defendant will alienate the property left behind by the father of the plaintiff without the knowledge of the plaintiff and if, at this stage, ad interim order is not granted, the plaintiff will suffer irreparable loss and injury.

Heard the learned counsel for the plaintiff. Perused the materials on record.

The documents which the plaintiff has relied upon will prima facie prove that the plaintiff is the son of Sunil Jhunjhunwala alias Sunil Kumar Jhunjhunwala alias Suneel Kumar Jhunjhunwala and he died on 7th September, 2024. It also reveals from the record that the father of the plaintiff had divorced his first wife who was the mother of the plaintiff and subsequently he had married to the defendant. The defendant had also a previous marriage and in the said previous marriage, the defendant is having children and the plaintiff is apprehending that the defendant may alienate the property left behind by the father of the plaintiff.

Considering above, this Court finds that the plaintiff has made prima facie case and balance of convenience and inconvenience is in favour of the plaintiff. The suit filed by the plaintiff is a partition suit and from records it prima facie proved that the plaintiff is the son of Sunil Kumar

Jhunjhunwala and thus the property left behind by his father is required to be protected.

The defendant, her men, agents, children and servants are restrained from alienating, mortgaging and creating any third party interest over the Schedule 'A' and Schedule 'B' property till 18th December, 2024.

The plaintiff is directed to serve a copy of the application, documents, plaint to the defendant within a week from date and to file affidavit of service on the next date fixed.

List the matter on 18th December, 2024.

(KRISHNA RAO, J.)