AD – 77
Ct No.16
06.10.2026
(SSS)

FMA 442 of 2026
with
CAN 1 of 2026
with
CAN 2 of 2026

Bhimeswari Yuba Chhatra Sangha
Vs.
Angur Maity and Ors.

Mr. Supratick Syamal,
Mr. Gourab Ghosh, Advs.
...for the appellant.
Mr. Sanjib Das,
Mr. S.K. Santra, Advs.
...for the respondent

1. CAN 2 of 2026 is allowed, thereby impleading the parties to the suit who were omitted to be impleaded in the appeal, as indicated in the application itself, as parties to the present appeal.

2. The learned advocate-on-record for the appellant shall carry out the necessary consequential rectifications to the cause title of the memorandum of appeal during the course of the day.

3. The present appeal has been preferred against a temporary injunction order passed in a suit for partition filed by the plaintiffs/respondents against the defendants/ principal respondents, including the State, and the present appellant. In

the said suit, the appellant has been impleaded as a proforma defendant on the allegation that the appellant is trying to disturb the possession of the plaintiff in respect of the suit property, although the appellant is not a co-owner in respect of the suit property.

4. Learned counsel appearing for the proforma defendant no. 3/appellant submits that no relief has been sought against the present appellant in the prayers of the plaint. However, by way of an interlocutory application, injunction has been sought to restrain the appellant from performing Durga Puja on the suit property.

5. Learned counsel submits that from the documents produced by the appellant in the Trial Court, it would be evident that at least a portion of the suit property has been acquired by the State, which is also a party to the suit. Furthermore, there was a previous partition suit between the self-same parties along with others in respect of the suit property. It is further submitted that the suit property, which has vested in the State, was the subject matter of permission granted by the appropriate authorities of the State to the appellant to conduct Puja over the said property on earlier occasions.

6. In such view of the matter, it is argued that the learned Trial Judge erred in law and in fact in granting injunction against the proforma defendant no. 3/appellant. It is further submitted that the impugned order is devoid of reasons and, as such, ought to be set aside on such ground alone, if not on the other grounds.

7. However, from the materials annexed to the interlocutory application filed in connection with the present appeal, which, we are apprised, were also part of the records of the Trial Court, we do not find any document whatsoever to connect the suit property to the appellant, apart from permission having been given by the appropriate local authorities to the appellant to perform a Puja, that too, without such permission clearly indicating as to in respect of which property such permission has been granted.

8. That apart, although the appellant claims to have been granted permission by the State to organize Durga Puja on the strength of vesting of the property in the State, fact remains that the State, which is a defendant in the suit, never contested the injunction application, nor brought any material before the learned Trial Judge to indicate that the property has either vested or has been acquired by the State.

9. In such scenario, it is evident that there is no document to connect the State directly to the property. At least, at the *prima facie* stage, we find a strong triable issue having been raised by the plaintiffs/respondents on the strength of valid title deeds in favour of the plaintiffs, which establish *prima facie* their title to the suit property.

10. As opposed thereto, the appellant does not have any title to the suit property, at least as evident from the documents which were produced by the appellant itself before the Trial Court.

11. Insofar as reasons are concerned, we find that the learned Trial Judge, in the impugned order, has sufficiently narrated in a nutshell the respective cases of the parties and also considered the relevant parameters for grant of injunction.

12. The learned Trial Judge further observed that the proforma defendant/appellant would not be prejudiced as it has no right, title and interest in the suit plot. Rather, the plaintiffs would suffer a lot due to interference of the proforma defendant upon the suit plot because the record demonstrates that proforma defendant no. 3 is “quite vigilant to the fact of the suit land”.

13. Thus, the proforma appellant is admittedly not a co-owner of the suit property whereas the plaintiffs/respondents have title thereto.

14. Hence, on the basis of the materials placed before us, we do not find any illegality on the part of the learned Trial Judge in passing the impugned order of injunction restraining the proforma defendant no. 3/appellant from changing the nature and character of the suit plot till disposal of the suit.

15. Hence, FMA 442 of 2026 is dismissed under Order XLI Rule 11 of the Code of Civil Procedure.

16. Consequentially, CAN 1 of 2026 stands dismissed as well.

17. There will be no order as to costs.

18. Urgent certified copies of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Sandip Kumar De, J.)