

Present : Shristi Banerjee (WB 1550)
Civil Judge (Junior Division) 1st Court,
Krishnagar, Nadia
T.S.- 185 of 2023
Injunction

Order No.19 dated 12/08/2024

Today is fixed for further hearing of the injunction petition as special last chance, ex parte against defendant no.1.

Both parties file hazira.

It appears from record that the ad-interim injunction prayer of the plaintiff was allowed vide order no. **02** dated **17.04.2023**. The defendant nos.1 and 2 were restrained from doing any illegal act in respect of any portion of the suit property forcibly and from making any hindrance by dispossessing the plaintiff therefrom and from creating any disturbance to the peaceful possession of the plaintiff and from changing the nature and character of the suit property and from alienating the same to any third party.

Upon perusal of the record it is found that the plaintiff is the sister of defendant no.1 and she became the owner of the suit schedule property measuring 06 decimals of land by way of deed of gift being no.I-734/2017 from her mother Nandita Roy.

The plaintiff has filed gift deed as well as the LR record in her name.

Ld. Advocate for the defendants raised a question on the legitimacy of the gift deed being no.I-734/2017 as it is the contention of the defendants that in sale deed no.8439/1976 which is the admitted source deed, only khatian no.2676 has been mentioned whereas in subsequent chain deeds other khatian numbers are also mentioned. To this Ld. Advocate for the plaintiff has been successfully able to convince the Court that the other khatian numbers are khanda khatians and the right of the plaintiff is rightfully flowing from the source deed. Since the relationship of licensor and licensee is in question here, hence this Court is not going into the matters which are to be decided at the time of trial. Prima facie it appears that the plaintiff is the owner and possessor of the suit schedule property and the defendants were given the licence to reside therein. If the injunction application is not allowed then the plaintiff will be placed at a disadvantageous position.

Hence, it is,

ORDERED;

that the ad-interim order dated **17.04.2023** is hereby made **absolute** in the form of maintaining the nature, character and use of the suit property as is on this date.

The defendant nos.1 and 2 were restrained from doing any illegal act in respect of any portion of the suit property forcibly and from making any hindrance by dispossessing the plaintiff therefrom and from creating any disturbance to the peaceful possession of the plaintiff and from changing the nature and character of the suit property and from alienating the same to any third party till disposal of this suit.

Fix **05.09.24** for discovery, inspection and framing of issues in the suit.

(D/C by me

(Shristi Banerjee)
JO Code: WB1550
Civil Judge (Jr. Divn.) 1st Court,
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