

Present: Sri Sourav Das (J.O Code: WB 01319)

T.S No. 199/2026
(CIS 199/2026)

Order No. 2

Dated: 20.05.2026

The record is put up today. The plaintiffs have moved a petition U/O 39 R 1 & 2 of CPC already filed and kept with the record and prayed for ad interim order of injunction.

Seen the report of the Sheristadar. No caveat appears to have been pending. Accordingly, the record is taken up for hearing injunction petition.

This is a suit for declaration, injunction and partition. The plaintiffs' case in brief is that the suit plots were originally owned by Abdul Aziz. The present plaintiffs and the defendants are all the legal heirs of said Abdul Aziz. On the basis of inheritance the plaintiffs have claimed their share upon the suit plots. Now, the allegation of the plaintiffs is that the defendant Nos. 1 to 3 are trying to encroach the portion of the plaintiffs and hence, this suit and the prayer for ad interim injunction restraining the defendant Nos. 1 to 3 from doing so.

Upon careful perusal and upon minute analysis of the documents produced by the plaintiffs like the legal heirs certificates of Joygun Bibi and Abdul Aziz, the L.R ROR in respect of Khatian Nos. 3608 and 2255, the Plot Informations in respect of the Plot Nos. 372, 373, 377 and 374/1118 and also considering the submission of the Ld. Advocate for the plaintiffs, I find prima facie title of the plaintiffs in respect of their share so claimed in the plaint for which, I am of the opinion that for preserving the nature and character of the suit property, an order of status quo will suffice. Further, the balance of convenience also tilts in favour of the plaintiffs and if the defendant Nos. 1 to 3 are allowed to encroach their portion, the plaintiffs would tend to suffer irreparable loss and injury.

Hence, it is

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that the prayer for ad-interim order of injunction is hereby allowed. Both the plaintiffs and the defendant Nos. 1 to 3 are hereby directed to maintain status quo in respect of the nature, character and possession of the property mentioned in the Schedule of the plaint as it stands today till 20.06.2026.

Plaintiffs to submit requisites at once and to comply the provisions laid down U/O 39 R 3 (a) (b) of CPC.

The defendant Nos. 1 to 3 are hereby directed to show cause as to why order of temporary injunction shall not be granted in favour of the plaintiffs.

To date (20.06.2026) for showing cause by defendant Nos. 1 to 3 and SR.

Sd/-

CJ (SD)-I, Rampurhat