

TS-224/26
CNR NO. WBSP090003692026

Order No. 4

Dated : 08.07.26

Today is fixed for injunction hearing, i.d deemed heard.

Parties files hazira.

The plaintiff's case in a nutshell that plaintiff is owner and possessor of flat no. 1B, situated on 1st floor measuring about 650 sq ft. together with proportionate undivided share and all common easementary rights including right of egress and ingress through the common entrance gate, staircase and passage and the said flat which is the subject matter of the suit and described in schedule B and referred to as the suit property. The plaintiff acquired the suit property by virtue of registered gift deed dated 22.07.2022 bearing no.190106531/2022 executed by Arun Kr. Kundu. The suit property was delivered to the plaintiff through a written possession letter dated 22.07.2022 by Arun Kr. Kundu. Plaintiff mutated his name before KMC. Arun Kr. Kundu died on 14.05.2026.

The defendant is the brother of the plaintiff and presently residing in ground floor flat and after the death of Arun Kr. Kundu, the defendant started disputing plaintiff's possession over the suit property. The electricity connection installed in the said flat also stands in the name of the plaintiff and the plaintiff regularly paying charges. After the death of Arun Kr. Kundu, the defendant has illegally swapped, relocated the electric meter, the plaintiff apprehend malicious theft of utility and severe inflation of her monthly bills. An online complaint has been filed being Docket no. 82648294 dated 20.06.2026. The defendant has illegally changed the lock of the common entrance gate of ground floor of the suit premises and refused to provide a duplicate key to the plaintiff, thereby obstructing her free ingress and egress to and from the suit flat situated on the 1st floor of the premises. Defendant and his associates frequently gather near the plaintiff's suit flat, use abusive languages bang the entrance door and threaten the plaintiff. Plaintiff's husband lodged one complaint before Local PS Chitpur on 17.06.2026 and also lodged G.D.E bearing no.1622/2026 dated 20.06.2026. The defendant has also interfered with common amenities and has attempted to create obstacles in the peaceful enjoyment of the suit property.

Finding no other alternative, the plaintiff filed this suit against the defendant before this Court and have prayed for order of injunction so that the defendant have restrained from any kind of dispossessing the plaintiff from suit property.

Defendant files written objection and denied and disputed made in the statement. The defendant have further stated that the mother of the plaintiff during the lifetime of the father of the plaintiff have preferred a title suit of 94/2024 in which temporary injunction was granted till disposal of the suit on 20.02.2025 in respect of the whole of the estate of the father of the plaintiff. The defendant have further stated that mutation has been done in respect of the suit property in unfair manner which has

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already challenged before the proper authority. He has also stated that he is enjoying the electricity in the 1st floor and the same is his name from the consumer number. The defendant has also stated that the plaintiff does not reside in the suit property and has been a consecutive failure in paying the electricity bills. The defendant have further stated that the mother of the parties is residing in the suit property and at this stage if the injunction is allowed their mother would be disposes.

Heard and considered.

It appears from the documents before this Court that the plaintiff has apparent title in respect of the suit property. However, the electricity bills as filed by the defendant shows that the electricity connection in respect of the suit property flat number stands in the name of the defendant herein, while the electricity bills which has been filed by the plaintiff before this Court does not mentioned the suit property flat number. The CESC is an independent organization which does inspection before a connection is given and accordingly the document as filed by the defendant is considered to be in respect of the suit property. This Court does not find any document of possession in respect of the plaintiff and as such it is a view of this Court that the injunction application can not be allowed, since there is no question of possession of the plaintiff in the suit property in the first place.

Hence, it is

Ordered,

The injunction application **stands rejected on contest.**

To 10/09/2026 for hearing of u/o-1 rule 10 CPC, w/o within a period of one month after serving copy upon the other side.

D/C. by me

Civil Judge (Jr. Divn.)
1st Court, Sealdah

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1st Court, Sealdah
UID-WB01218