

TS No. 133 of 2025

Shri Sakthivel Vs. Smt. Kanak Radha Chatterjee

PRESENT : Shri Samrat Roy

Civil Judge, Senior Division
South Andaman, Port Blair
(WB01072)

Order No. 02 Date 16.12.2025

Plaintiff moves a petition U/O 39 Rules 1 & 2 C.P.C. praying for temporary injunction against defendant.

The report of the Civil Clerk transpires that no caveat is pending in respect of the suit.

This is a suit seeking declaration of right, title, interest and partition and it is alleged that the land bearing survey No. 34/1 measuring an area of 0.4450 hecets was recorded in the name of one Shri Mathew Joseph and Shri Mathew Joseph had sold the aforesaid landed property to 15 persons and in the month of July, 2025 the plaintiff had obtained the certified copy of entire order sheet of revenue case being RC No, 929 of 2007 and the plaintiff came to know that a fraud has been committed whereby the map of the sale deed has not been incorporated in the revenue records and a new map has been created without any legal basis which is a fraud act committed by the defendants in connivance with the revenue officers. The plaintiff approached the defendants on several occasions asking for sub division of the land in terms of the map annexed with the sale deed as the plaintiff has a share of 200 sq. meters over the aforesaid landed property in terms of sale deed but defendants never came forward. Now the defendants are trying to alienate the suit property to some third party. Hence, this suit.

Plaintiff submitted the copy of sale deed, ROR, copy of order sheet of RC No.929 of 2007 in support of his case.

The documents submitted by the plaintiff is showing that the plaintiff has made out a prima facie case and in such circumstances, if the plaintiff's right in respect of the suit

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property is not protected, the very purpose of the suit would be frustrated.

Accordingly, the prayer of the plaintiff is liable to be allowed.

Hence, it is

ORDERED

that the prayer for ad-interim injunction considered and allowed.

The defendants are hereby restrained from changing the nature and character of the suit property and not to alienate the suit property till the hearing of injunction application.

The plaintiff is directed to file requisites at once and also to comply the provisions of Order 39 Rules 3(a) and (b) of C.P. Code.

Issue notice upon the defendants asking them to file show cause within 10 days from the receipt thereof as to why the prayer for temporary injunction as filed by the plaintiff shall not be granted.

Fix 16.01.2026 for S/R of notice and W/O against the injunction application.

Dictated and corrected by me

CJ(Sr.Dvn)

**Civil Judge (Senior Division)
Port Blair**