

Title Suit 84 of 2025

JO Code WB0 1116

Order No. 3 Dated 29.04.2025 :-

Today is fixed for hearing of ad-interim injunction petition.

It appears from the Sheristedar's note that no caveat is pending against the subject matter of this suit. Accordingly, the record is taken up for hearing of the plaintiff's prayer for ad-interim injunction.

Heard Ld. Advocate appearing for the plaintiff, at length.

Perused the petition.

Considered.

The plaintiff's case in short is that one Ayodhya Prasad Sharma, Viswakarma Prasad Sharma and Rameswar Lal Sharma jointly purchased 5.875 decimals in the suit plot from one Ramendra Krishna Basu in the year 1964. Thereafter, the said Rameswar Lal Sharma transferred his entire share in the suit plot to Ayodhya Prasad Sharma and Viswakarma Prasad Sharma in the year 1967. Subsequently, one Kisoon Mistry transferred 8 decimals in the suit plot with dwelling house to the said Ayodhya Prasad Sharma and Viswakarma Prasad Sharma by way of gift in the year 1969. In this way, Ayodhya Prasad Sharma and Viswakarma Prasad Sharma became the absolute owner of the suit plot. Thereafter, on the demise of the said Viswakarma Prasad Sharma, his share devolved upon his surviving brother-Ayodhya Prasad Sharma and sister-Janki Devi. The said Ayodhya Prasad Sharma and Janki Devi, subsequently gifted their entire shares in the suit plot to the parties to the suit jointly. Since then, the plaintiff is possessing and enjoying the suit property in ejmali with the defendant. However, at present, facing difficulty in ejmali possession of the suit property, as the defendant is now trying to transfer his undemarcated share in the suit property to intending purchasers, the plaintiff approached the defendant for amicable partition of the same but in vain. As such, finding no other alternative, the plaintiff has filed the instant suit and the instant application for temporary injunction.

Heard Ld. Advocate for the plaintiff.

Considered.

Perused the documents filed by the plaintiff. It prima-facie appears that the plaintiff and the defendant have acquired share in the suit property by way of gift. Nothing prima-facie has come before this Court to show that the suit property has ever been partitioned amongst the parties to the suit. As such, it appears to this Court that the plaintiff has strong prima-facie case to be proceeded with. It further appears to this Court that if the suit schedule property is not preserved at this stage on urgent basis, it may lead to frustration of the object of the instant petition, and may lead to multiplicity of

proceeding thereby tilting the balance of convenience and inconvenience in favour of the plaintiff.

Hence, this Court is inclined to allow the plaintiff's prayer for ad-interim injunction in the form of status quo.

Accordingly, it is,

Ordered

that both the parties to the suit are directed to maintain status-quo in the suit property, as on this date, regarding its nature, character, existing possession and ownership, *till next date*.

Issue notice upon the defendant asking him to file show cause, within 15 days from receiving the notice, stating the reasons as to why the plaintiff's prayer for temporary injunction shall not be allowed.

Plaintiffs are directed to comply the provision of Order 39 Rule 3 Cl. (a) and (b) at once.

Requisites at once.

Fixed **16.06.2025** for S/R and appearance of the defendants in respect of the injunction matter.

Dictated & Corrected by me.

Civil Judge (Senior Division)
Kharagpur, Paschim Medinipur

Civil Judge (Senior Division)
Kharagpur, Paschim Medinipur