

Title Suit No. 134 of 2026
CNR No. WBWM04-000177-2026
J. O No. (WB01036)

Order No. 2. Dated 07.03.2026

The record is put up today in view of the put up petition of the plaintiff which is allowed.

One petition filed for the plaintiff to move the injunction petition.

Heard the Ld. Advocate for the plaintiff in view of the endorsement given “no caveat” by the Sdr dt. 07.03.2026.

Perused the temporary injunction petition, the photocopies of documents filed by the plaintiff. Considered.

It is observed by this Court that the present temporary injunction petition has been filed by the plaintiff with a prayer for restraining the defendants so that they may not disturb the peaceful possession of the plaintiffs’ deity over the ‘A’ schedule property and may not get any obstruction of peaceful authority, may not occupy any portion of the suit property over ‘A’ schedule suit property on the grounds stated therein.

During hearing the Ld. Advocate for the plaintiff briefly submitted that the ‘A’ schedule suit property previously belonged to Gostho Bihari Mondal and Krishna Prasad Mondal in 8 annas share. Krishna Prasad Mondal died leaving behind his wife, six sons who inherited his share equally i.e. 1/7th each and they used to possess in ejmal on amicable settlement. Gostho Bihari Mondal died leaving behind his only son who inherited his 8 annas share in the suit property. It is the allegation of the plaintiffs that one Gangapada Mondal and his wife Parul Rani Mondal procured and managed to record their names by false personification as the recorded R.S owner never transferred the ‘A’ schedule suit property in favour of them at any point of time by way of any registered instrument. The plaintiffs have applied for recording their names before the B.L&L.R.O, Keshpur and Misc Case no. 1053 / 2025 was initiated. Suddenly on 26.02.2026 the defendants no. 1 to 4 came to the ‘A’ schedule suit property and tried to create obstruction over the peaceful possession and cultivation of the plaintiffs for which complain has been registered by post on the same date before the O/C of Keshpur P.S. The defendant no. 3 and 4 have also procured and managed to record their names without any registered instrument and they have also gifted the suit property in favour of the defendants no. 1, 2 by way of false and fabricated registered gift deed no. 1804 / 2026 which is to be treated as null and void. On the basis of the said alleged gift deed, the defendants are now trying to dispossess the plaintiffs forcefully and illegally from the suit schedule property for which ad interim injunction is necessary to be granted in favour of the present plaintiffs as has been prayed by the Ld. Advocate for the plaintiffs. He further submitted that all relevant documents (photocopies) have been submitted before this Court for its perusal and consideration.

Considering the submission of the Ld. Advocate for the plaintiff and perusing the documents filed by the plaintiff, it is observed by this Court that the plaintiff has challenged the registered gift deed no. 1804 / 2026 by claiming the same to be null and void and moreover it has also been admitted by the plaintiffs that their names have not yet been recorded in the L.R.R.O.R in respect of the ‘A’ schedule suit property for which their application before the B.L&L.R.O for recording their names has been initiated as Misc case no. 1053 / 2025. Therefore this court is not inclined to grant any kind of injunction against the defendants at this very initial stage without hearing the defendants of this suit in the interest of natural justice. Moreover this Court does not find any urgency at present in the present matter.

Hence, it is-

ORDERED

The ad interim injunction prayer of the plaintiffs is **refused** as per above said observations.

The defendants (as named in the cause title of the plaint) are directed to show cause as to why the temporary injunction shall not be granted against them as per prayer of the plaintiffs made in the temporary injunction petition u/o 39 rule 1 & 2 read with section 151 of CPC **within 25 days of the receipt of the show cause notice**, either in person or through their engaged Ld. Advocate.

Requisites at once.

To date **06.04.2026** for S/R of notice, appearance of defendants, filing of written objection.

D/C by me

Sd/-
Civil Judge (Jr. Divn.) 3rd Court
Paschim Medinipur (I/C)