

Present : Sri. Arindam Chakraborty
Civil Judge (Jr. Divn.) 1st Court, Hooghly
J.O. Code – WB01332
T.S. 648 / 2022
CNR No. WBHG04-000875-2022

Order No. 02, date: 11.11.2022 :

Record is put up on the prayer of the plaintiff.

Plaintiff has filed some documents through a list. Let these be kept with the record.

Ld. Advocate for the Plaintiff moves the application under Order XXXIX Rule 1 & 2 , CPC.

By filing the instant petition the plaintiff has prayed for an order of temporary injunction against the defendants till the disposal of the suit with an order of ad-interim injunction till the disposal of the instant petition, on the ground stated therein.

Seen the office report, wherefrom it appears that no caveat is pending.

Issue notice upon the defendants calling upon them to show cause within ten days of receipt of such notice as to why the prayer of the plaintiff for temporary injunction shall not be allowed.

Hd. Ld. Advocate for the plaintiff.

In a nutshell the case of the plaintiff's is that, the plaintiff purchased the suit property from the erstwhile owner Renukana Debi by virtue of a registered sale deed being no. 2437 dated 31.03.1993. After purchasing the suit property the plaintiff got her name mutated in the record of rights and she has also been paying rent and taxes to the authority concerned. The defendants are the neighbours of the plaintiff. It is alleged that by taking the advantage of physical illness of the plaintiff, the defendants have been trying to encroach a portion of the suit property for which the plaintiff has also lodged one GDE before the local police station. It is further alleged that the defendants have already creating disturbances in the peaceful enjoyment and possession of the plaintiff's over the suit property. Hence, the suit and the instant petition.

Peruse the plaint, petition and all documents filed by the plaintiff. It appears to me that Plaintiff has made out a prima facie case in her favour. From the document relied by the plaintiff prima facie it appears that the plaintiff is the owner and possessor of the suit property. Now if the allegation raised by the plaintiff is supposed to be true i.e. if the defendants succeed to encroach any portion of the suit property then the plaintiff may suffer irreparable loss and injury and that may also

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cause multiplicity of proceedings. The balance of convenience and inconvenience also seem to lie in favour of the plaintiff. So considering the urgency, I am inclined to allow the prayer of the plaintiff at this stage.

Hence, it is,

ORDERED

that the prayer of ad-interim injunction is allowed at this stage.

The defendants are hereby restrained from creating any sort of disturbances in the peaceful enjoyment and possession of the plaintiff over the suit property till

Plaintiff is hereby directed to comply with the provisions of Order XXXIX rule 3(a) and 3(b) C.P.C.

Requisite at once.

Todate.

D/C by me,

Sd/- A. Chakraborty

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

Sd/- A. Chakraborty

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

Later,

The plaintiff has filed one petition praying for getting back original documents filed by her before this Court.

Hd. Ld. Advocate for the plaintiff. Considered.

Let the original documents filed by the plaintiff be returned after proper verification and identification with a direction to the plaintiff to refile those documents as and when called for by this Court.

D/C by me,

Sd/- A. Chakraborty

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

Sd/- A. Chakraborty

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