

Title Suit No.170 of 2023
Present : Smt. Payel Bagchi Banerjee
Civil Judge (Sr. Divn)
3rd Court, Howrah.
J.O Code: WB01144

Order dated : 04.04.2023 (Later)

The plaintiffs have moved an application for ad-interim injunction.

It appears from the report of the Sheristadar that no caveat has been filed and is pending till date in the present suit.

Heard Ld. Advocate for the plaintiffs.

Perused the plaint, injunction application as well as documents filed by the plaintiffs.

Considered.

It appears from the plaint and the application that the Schedule "C" mentioned suit property is an undivided property and both the plaintiffs and the defendants are co-sharers in respect of the same. The plaintiffs, through plaintiff No.3 on 01.04.2023 asked the defendant Nos.1 and 2 for effecting amicable partition of the Schedule "C" mentioned suit property by metes and bounds according to the respective shares but, the defendant Nos.1 and 2 not only flatly refused to make such partition but also openly and violently denied the title of the plaintiffs over the Schedule "C" mentioned suit property. The said defendants also made attempts to raise new construction on the entire Schedule "C" mentioned suit property and also tried to change the nature and character of the same. The plaintiffs have thus, filed the present application and prayed for relief.

It appears at this stage that prima facie the Schedule "C" mentioned suit property is the joint property of both the plaintiffs and the defendants. Considering the materials on record, I am of the view that the suit property is required to be preserved in its status quo at this stage.

Hence, it is

ORDERED

that both parties viz, the plaintiffs and the defendant Nos.1 and 2 are directed to maintain status-quo in respect of the nature, character and possession of the Schedule "C" mentioned suit property as on this date till **19.04.2023**.

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Issue notice upon the defendant Nos.1 and 2 directing them to show cause within 14 days of receipt of notice as to why the temporary injunction application shall not be heard against them.

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

Plaintiffs to file requisites at once.

To date.

D/C

Civil Judge (Senior Division)
3rd Court, Howrah.

