

T.S. No. 20 / 2025 (R)
CNR No: WBWM 04-000033-2025
J.O Code: WB01348 (in-charge)

Order No. 02. Dated. 15.01.2025.

The plaintiff of this suit files put up petition before this Court today praying for hearing of the temporary injunction application for an ad interim order. The put up petition is allowed.

One application has been filed for allowing the plaintiff to move the injunction application for an ad interim order on an urgent basis today. Let the same be kept within case record.

The Sheristadar has noted on the margin that no Caveat is pending. The record is thus, taken up for hearing of the prayer for ad interim injunction.

This is a suit for declaration and for permanent injunction and for other reliefs valued total at Rs. 100/-. The plaintiff has filed an application dated 08.01.2025 U/O 39 rule 1 and 2, read with section 151 of CPC thereby praying for passing of an order of temporary injunction against the principal defendant no. 01 of this suit in restraining the said defendant from disturbing the peaceful possession of the plaintiff over the suit 'A' schedule described property Etc. till the disposal of this present suit.

Issue notice upon the principal defendant calling upon him to file show cause within 15 days from the date of receipt of the notice as to why the temporary injunction as prayed for shall not be granted against him.

Heard and considered the submissions of the Ld. Counsel appearing for the plaintiff and perused the materials on record including the documents relied upon by him.

The plaintiff has alleged that – the plaintiff is the permissive possessor with respect to certain portion / share of the suit plot no. 03 (which now constitutes the suit property) along with some other permissive possessors under the Shebait of the proforma defendant no. 06 of this suit / deity Sri. Jagannath Jew Thakur. The plaintiff is peacefully carrying out his cultivation works for long over the suit property and faced no hindrances in this regard. Problem erupted when on last 19.12.2024 the principal defendant no. 01 came to the suit property and tried to dispossess the plaintiff from therein in denying the possession of the plaintiff over therein. The plaintiff alleges that – the principal defendant no. 01 totally outsider and now armed with a forged deed of settlement / 'Patta', the said principal defendant is trying to disturb the peaceful possession of the plaintiff over the suit property. Seeing his peaceful possession over the 'A' schedule described suit property is getting clouded, as such, the plaintiff has got forced so as to file this instant suit along with an application for injunction along with a prayer : for passing of an order of injunction by this Court in restraining the said principal defendant of this suit over the suit property etc. till the disposal of this present suit.

The plaintiff has filed the copies of the following documents, namely – L.R plot information slip of the suit plot no. 03, the LRROR recorded vide L.R Khatian no. 26 lying in the name of proforma defendant no. 06 of this suit / deity Sri. Jagannath Jew Thakur and the alleged deed of settlement / 'Patta' lying in favour of the plaintiff and several other relevant and incidental documents.

From these documents, at this primary stage it can be assumed that – the plaintiff is having some sort of very competent piece of interest of him in relation to the suit 'A' schedule described property situated over the suit plot and there also remains the existence of a strong prima-facie

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case : lying in favour of the plaintiff. The plaintiff furnishes the relevant LRROR and the L.R plot information slip lying in his favour, which denotes his existing possession and interest over some relevant parts of suit plot i.e. suit 'A' schedule described property and the status of plaintiff as permissive possessor in relation to the said suit property is also getting reflected from these documents. However, at the same time, in perusal of the deed of settlement / 'Patta' lying in favour of the principal defendant no. 01, it gets adequately reflected that – by way of this 'Patta', allegedly the principal defendant no. 01 has got some specific portion of land situated over the suit plot settled in his favour and by such document, the competent interest of this principal defendant no. 01 in relation to that specific portion of land situated over the common suit plot can be satisfactorily assumed. Because of these reason, this Court is of the opinion that, no restrain order should be passed against the principal defendant at this stage without hearing him, but at the same time, I feel that : the suit property which remains under dispute needs to be protected and preserved at this stage in the form of a guarded order or else the very purpose of the suit shall stand frustrated. It is now very much important that the nature of the suit property is not changed. Further, so as to entertain the complexities in this suit, it is very much essential that the corpus of the suit property needs to be protected by a guarded order in the form of status quo so as to prevent any irreparable loss and injury to the plaintiff to the extent of his current possession, otherwise the very purpose of filing this present suit may get frustrated. The balance of convenience and inconvenience is also considered to be in favor of the Plaintiff as because, if the apprehension of the Plaintiff finds reality, then the Plaintiff will suffer irreparable loss and injury which cannot be later compensated in terms of monetary value. An injury to immovable property always causes irreparable loss. Thus, this Court is inclined to allow the interim prayer for injunction in the form of an order for maintaining status quo by both the parties over the suit plot and the presently existing nature and character of the suit property as a whole.

Hence, It is

ORDERED

That the interim injunction as prayed for is hereby allowed ex-parte in terms of the observations as made above. Both the parties of this suit (plaintiffs and principal defendant no. 01) are hereby directed so as to maintain status quo over the suit plot no. 03 (Mouza - Malian) and the presently existing nature and character and status and pattern of usage of the suit 'A' schedule described property which remains under dispute – till next date.

Issue notice upon the principal defendant calling upon him to show cause within fifteen days of receipt of the notice, as to why the order for temporary injunction shall not be made absolute till the disposal of the suit.

The plaintiff side shall comply with the provisions of Order 39 Rule 3 (a) and 3 (b) within 24 hours, failing which the ad interim order of injunction shall stand vacated.

To date **(20.03.2025)** for S/R and appearance.

Requisites to be filed at once.

Sd/-

Sd/-

D/C by me

Civil Judge (Jr. Divn.), 1st Court, Paschim Medinipur (in-charge)