

T.S. 187 of 2022

C.N.R. no. WBWM0K000284-2022

J.O. CODE WB01316

Order no. 02 dated 16-12-2022

Today the case is put up on strength of petition. Put up filed on behalf of the plaintiffs by his Ld. Advocate.

The Learned Advocate for the plaintiffs moves an application under Order XXXIX Rule 1 & 2 of C.P.C.

No caveat has been lodged as it appears from the report of the Sherestadar. It further appears that the plaint is in proper form and filed in the right forum.

The advocate for the plaintiffs has moved the prayer for ad-interim injunction.

Issue notice upon the principal defendant directing him to show cause within 15 (fifteen) days from the date of receipt of this notice as to why the prayer of the plaintiffs for temporary injunction shall not be allowed.

Heard the submission.

Perused the injunction application supported by affidavit, plaint and the documents.

This is a suit for declaration and injunction along with other consequential reliefs.

The case of the plaintiffs inter alia is that lot no. 1 of the suit property was a vested land of the State of West Bengal in the name of Kamala Mallick wherein she got 10 decimals of plot no. 176/RS case no. 94/1992 and thus Kamala Mallick used to enjoy her propriety rights. Thereafter, she died leaving behind her son, namely, Narayan Mallick.

Lot no. 2 was allotted in favour of Gostha Mallick and after his demise, Ganesh Mallick and Kartick Mallick inherited the same.

Lot no. 3 was allotted to Bhupen Kotal which is later on after the demise of Bhupen Kotal his two sons, namely, Amal Kotal and Bimal Kotal inherited the same.

The defendants are totally outsiders and they are trying to disturb the peaceful possession of the plaintiff. On 06-11-22 defendants came to the suit property and threatened the plaintiffs and thus they filed this suit and are praying for the interim relief of injunction.

Plaintiffs have filed documents by way of firisti. Seen the original copy and returned the same.

Careful perusal of the documents it reveals that the plaintiffs have title and interest in the suit property in a prima facie manner. As plaintiffs have been able to make out a prima facie case in his favour and as the balance of convenience and inconvenience in his favour and not allowing the relief at this stage may result in loss of corpus in the suit property resulting in frustration of the purpose of filing the instant suit, I am inclined to allow the prayer of the plaintiffs for a limited period of time..

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Hence, it it,

Ordered

that the prayer for ad-interim injunction is allowed. Principal defendant is restrained from dispossessing the plaintiffs, disturbing the peaceful possession of the plaintiffs or from changing the nature and character of the suit property till **06-01-2023**.

Plaintiffs to comply the provisions under Order XXXIX Rule 3(a) & 3(b) C.P.C. at once.

Requisites at once.

To **06-01-2023** for S/R of notice and further order

Dic. & Corr. by me

Civil Judge (Jr. Divn.)
Kharagpur, Paschim Medinipur

Civil Judge (Jr. Divn.)
Kharagpur, Paschim Medinipur

