

District: Paschim Medinipur

In The Court of Civil Judge (Sr. Divn.) Kharagpur
Present: Sri. Gourab Ghosh, ^{WBJs}
(J.O. Code: WB01100)
O.S. -3 of 2023

Order No.- 04 dated 20/09/2023

The record is put up today by the plaintiff. Ld. Advocate for the plaintiff prays to move the application u/o. 39 Rule 1 & 2 of the C.P.C read with section 151 of the C.P.C with a prayer for ad-interim injunction. It appears from the Sheristedar's note that no caveat is pending against the subject matter of this suit. Accordingly, the record is taken up for hearing of the plaintiff's prayer for ad-interim injunction.

Heard Ld. Advocate **Bandita Singh** appearing for the plaintiff, at length. Perused the petition.

Considered.

The plaintiff's case in short is that the suit property belonged to his father namely Suren Singh now deceased who died leaving behind the plaintiff as his only son and the defendant Smt. Mokri Singh as his second wife.

The first wife of said Suren Singh i.e the mother of plaintiff has died prior to the father of the plaintiff and accordingly after demise of his father Suren Singh, the suit property devolved upon the plaintiff and the defendant ½ share each.

That presently the defendant is denying plaintiff's share in the suit land and also threatened that she will dispossess of the suit property to any stranger purchaser and thereby oust the plaintiff which give rise of cause of action in favour of the plaintiff to file the present suit.

In support of their prayer the plaintiff has filed, the copy of the deed by which his father had purchased the suit property from one Sankaribala Dutta, latest plot information receipt etc.

Considered.

Considering the plaintiff's case as stated above as well as their supporting document, it appears that there is strong prima facie case in favour of the plaintiffs and the balance of convenience and inconvenience is also lies in favour of their case and I am also of the opinion that there is necessity an urgency for passing an ad-interim order of injunction otherwise the purpose of the suit might get frustrated.

Hence, the plaintiff's prayer for ad-interim injunction is considered and allowed, in the form of status quo.

Accordingly, both the parties to the suit are directed to maintain status quo in the suit property, as on date, regarding its nature, character and existing possession, **till next date**.

Issue notice upon the defendant asking herself to file show cause, within 15 days from receiving the notice, stating the reasons as to why the plaintiff's prayer for temporary injunction shall not be allowed.

Plaintiff is directed to comply the provision of Order 39 Rule 3 Cl. (a) and (b) at once.

Requisite at once.

Original documents filed may be returned to Learned Advocate for the plaintiff on proper receipt.

Todate (18.10.2023) for S/R and appearance of the defendant in respect of the injunction matter also.

Dic. & Corrcd. By me.

C.J.S.D

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

T.S.-224 of 2022
J.O. Code WB01100

Order No.12 Dated 20/09/2023

Today is fixed for awaiting S/R and appearance in respect of defendant no.2, 11, 12 and 3 (b).

Plaintiff is present by filing hazirah along with two petition, one praying for extension of ad-interim order of injunction and another u/o. 5 Rule 20 (A) of Civil Procedure Code praying for service of summons upon defendant no.2, 11, 12 and 3 (b) by way of newspaper publication.

Heard Learned Advocate for the plaintiff in support of the petition for substituted service. Learned Advocate submitted that they have taken steps for issuance of summons upon defendant no.2, 11, 12 and 3 (b) by several times but said defendants intentionally avoiding the service for which the service could not yet been effected upon them by ordinary mode and therefore, the plaintiff may be permitted to cause the service upon said defendants through substituted service by way of newspaper publication.

Prayer is considered and allowed.

Hence, it is ordered

That as per provision of u/o. 5 Rule 20 (A) of Civil Procedure Code, the plaintiff is granted permission to cause the service of summons upon defendant no.2, 11, 12 and 3 (b) by way of newspaper publication, by publishing the notice in any leading vernacular daily newspaper having wide circulation throughout the State of West Bengal.

Fixed **23.11.2023** for filing news paper issue by the plaintiff and passing further necessary order.

Plaintiff is directed to submit draft notice by next 15 days.

On filing draft notice by the plaintiff, Sheristadar must checked and verify the same and if found proper, approve it for publication or report otherwise preferably by seven working days from the filing of the draft notice file by the plaintiff.

The ad-interim order of injunction dt.28.07.2022 is further extended till next date.

Dic. & Corrt. By me.

C.J.S.D

Civil Judge (Sr. Division)
Kharagpur, Paschim Medinipur