

Title Suit No. - 423/2023
CNR -:WBSP030005772023
(JO Code - WB1474)

Order dated: 23.04.2025.

Today is fixed for exparte hearing of injunction application.

Plaintiff file hazira.

Plaintiff files an application for extension of ad interim injunction order till disposal of the instant suit.

Now, the petition for extension of order of ad-interim injunction and injunction petition is taken up for hearing. The Ld. Advocate of the Plaintiff moves the applications and further submits that the ad-interim injunction order be made absolute and be extended till the disposal of the instant suit. It reveals from the order dated 03.03.2025 that as the defendants did not show cause as to why the suit shall not be heard ex parte against him, the suit proceeded exparte. Even today the defendants are absent.

Heard the Ld. Advocate of the Plaintiff.

Plaintiff's case in nutshell is that Sanjay Chatterjee and Jaya Chattejee became the joint owners of the schedule suit property by virtue of a registered gift deed dated 22.05.2012 and thereafter, they transferred the same by way of registered deed of conveyance dated 11.03.2022 in favour of the plaintiff whereby the plaintiff became the sole and absolute owner of the schedule A suit property. The plaintiff alleges that on and from 01.10.2022 the defendants and their men and agents without any lawful reasons are obstructing and disturbing free ingress and egress of the plaintiff in respect of schedule D suit property, which is a 6 feet wide common passage. Plaintiff next alleges that subsequently, when he tried to develop his property by using the schedule D property which is common for all, the defendants demanded money for using the said schedule D property. Against which, the plaintiff lodged a complaint before the local P.S. and also the plaintiff has filed application u/s 144(2) before the Ld. 2nd Executive Magistrate but to no avail. Hence, this suit.

In the above circumstances the plaintiffs have prayed for an order of injunction restraining the defendants and their men and agents from disturbing the plaintiff and his family members for using and enjoying the schedule D suit property and from disturbing the free ingress and egress in respect of the said schedule D suit property and from changing the nature and character of the suit property.

As discussed above, the Court had already observed that suit is proceeding exparte against defendants. Considering the materials on record

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including the contention of the plaint and injunction application and the submission of the Ld. Advocate, I find no impediment to allow the prayer of the Plaintiff to make the ad-interim injunction order absolute and final and hence the prayer of Plaintiff is hereby allowed. In view of such the injunction application is also allowed.

Let the ad-interim injunction order dated 29.03.2023 be made absolute and final till the disposal of the instant suit.

Defendants and their men and agents are hereby restrained from disturbing the plaintiff and his family members from using and enjoying the schedule D suit property and from disturbing the free ingress and egress in respect of the said schedule D suit property and from changing the nature and character of suit property till disposal of the suit.

Fix 04/08/2025 for ex parte hearing of the suit.

Dictated & corrected by me,

Civil Judge (Jr. Divn.),
5th Court, Alipore.

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5th Court, Alipore