

Title Suit No. 596 of 2022 (CIS – 596 of 2022)
(CNR No. - WBBD04-000830-2022, J.O. Code – WB01474)

Order No. 02

Dated: 04.11.2022

The record is put up today as the Ld. Advocate of the Plaintiff intends to move the ad interim injunction application U/O. 39 R 1 & 2 read with Section 151 C.P.C supported by an affidavit.

No caveat is pending as per the notes of Sheristader.

Heard the Ld. Advocate for the Plaintiffs.

Perused the injunction application and the documents produced at the time of hearing.

Issue notice upon the Defendants asking them to show cause within 20 days from the date of receipt of this notice as to why the prayer for temporary injunction shall not be allowed.

In the present suit, the Plaintiffs contended that the suit property originally belonged to one Bijay Krishna Naru and thereafter it had been inherited by his son namely Parbati Charan Naru. Plaintiff further stated that after the demise of Parbati Charan Naru, the suit property has been inherited by the present Plaintiffs being the legal heirs of Parbati Charan Naru. It has been alleged that as Defendants are unlawfully threatening the Plaintiffs to dispossess them from the suit property and trying to change nature and character thereof, they have been compelled to institute this suit and further filed an injunction application praying for an injunction order thereof restraining the Defendants from creating any obstruction in the Plaintiffs' possession in the suit property and their cultivation thereon. On perusal of the materials of the record it reveals that xerox copy of one finally framed and published L.R.R.O.R. and attested copy of another R.O.R. have been produced and not the certified copy or finally framed and published copy of the aforesaid R.O.Rs are placed before the Court. Thus, considering all the Court does not find it appropriate to pass an order of injunction at this stage without giving any opportunity of being heard upon the defendants.

Hence it is,

ORDERED

that the prayer for ad interim ex parte injunction is considered and refused at this stage.

Requisites at once.

To date.

Dictated & corrected by me.

Civil Judge (Jr. Divn.) 3rd Court,
Purba Bardhaman
04.11.2022.

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