

Title Suit No. 650 of 2022 (CIS – 650 of 2022)
(CNR No. - WBBD04-000907-2022, J.O. Code – WB01474)

Order No. 02

Dated: 30.11.2022

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 Plaintiff.

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

Issue notice upon the Defendant no.1, 2 & 4 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 support of their case, Plaintiffs produced some documents including two registered Title Deeds, copy of R.O.R, Panchayat tax receipt.

In the present suit, the Plaintiff contended that they have obtained the suit property by virtue of inheritance from their predecessor in interest namely Sudhakar Pal after his demise, who obtained the same by virtue of transfer from one Dolgobinda Dutta and one Durgapada Saha. The Plaintiffs have alleged Defendants got their name unlawfully recorded in L.R.R.O.R. and they, on the strength of that recording, are trying to dispossess the Plaintiff from the suit property. According to the Plaintiff these actions on the part of the Defendant compelled the Plaintiff to file the suit and further file the injunction application praying for an ad-interim thereof restraining the Defendants from interfering into the possession of the Plaintiffs in the suit property. It is seen that at this stage only two registered deeds in favour of Sudhakar Pal produced. It is also seen that no R.O.R. in the name of vendor of Sudhakar Pal has been placed. Moreso, the name of the recorded raiyat in the Khatian so produced by the Plaintiff cannot be read/understood as the same appears to be missing. 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
30.11.2022.

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