

T. S No. 640 of 2022

Order no. 2

Dated 28.11.2022

Record is put up today by filing a put up application, which is allowed as last chance.

Issue notice upon the defendant calling upon them to show cause within 15 days from the date of receipt of notice as to why the order of temporary injunction shall not be passed against them.

Ld. lawyer for the plaintiff moves the application U/O. 39 r 1 and 2 r/w S. 151 of C.P.C. praying for an ad-interim order of injunction on the ground of urgency.

Seen the marginal note of Office where from it appears that no caveat is pending.

Hd. the Ld. Lawyer. Perused the application with affidavit, plaint and documents annexed.

This is the suit for declaration and permanent injunction. The specific case of the plaintiff is that, the plaintiff along with the proforma defendants are the owner of the schedule suit property by way of inheritance from their immediate predecessor in interest, their father, Late Pradip Hazra. The contention of the plaintiff being the defendant is claiming herself to be the wife of their father, Late Pradip Hazra, and is trying to enter in the schedule mentioned properties forcefully. Ld. Advocate for the plaintiff has further stated that, the defendant is a pregnant lady. It is further contention of the plaintiff that, the defendant is trying to mend the LR record of right in respect of the schedule mentioned suit property in her name in conspiracy with the BL & LRO, DL & LRO, Memari, Purba Bardhaman. Hence this suit. By filing the temporary injunction application the plaintiff is present before this Court for an ad-interim relief restraining the defendant from disturbing the peaceful possession of the plaintiff and the proforma defendants no.2 and 3 in respect of the schedule mentioned suit property.

Considered.

Plaintiff has filed original deeds bearing no.3997 for the year 1986, 2763 for the year 2004, 1069 for the year 1988, 4500 for the year 1988, 6934 for the year 2014, 3303 for the year 2005, 5410 for the year 2014, three LR record of right, one suit plot information slip along with xerox copy of total area sheet and one xerox showing the husband of the defendant no.1 as Surya Dolui.

Prima-facie, it appears that the plaintiff has some sort of case to go for trial. It is also to be considered prima-facie that the defendant is a pregnant lady and is prima-facie claiming herself to be the wife of the father of the plaintiff. At this stage, I am not inclined to grant interim temporary injunction order without lending an ear to the defendant.

Accordingly, the prayer for ad interim injunction is refused at this stage.

To date.

Dictated & corrected.

**Civil Judge (Junior Division)
2nd Court, Burdwan**

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