

Title Suit No. - 451/2025
CNR No. - WBSP030006462025
(J.O. Code- WB01474)

Order dated : 25.03.2025

The record is placed before me by way of put up petition.

Ld. advocate for the plaintiff/petitioner moves an application for temporary ad interim injunction on ex parte u/O. 39, Rules 1 and 2, read with S.151, C.P.C.

Heard and considered the submissions of the Ld. Counsel for the plaintiff and perused the materials on record including the documents relied upon by him.

It appears from the note of the Sherestader that there is no Caveat pending in connection with this suit.

Issue notice upon the defendant asking him to show cause within 15 days from the date of receipt of the notice as to why the temporary injunction as prayed for shall not be granted against him.

The Plaintiff's case in nutshell is that by way of purchase plaintiff became the sole and absolute owner of the total land measuring 0.0680 acres described in the schedules of the plaint and has been enjoying the same by recording his name before the B.L. & L.R.O. under L.R. Khatian No. 10507 by paying khajna and also mutated his name before the K.M.C. Although schedule A and schedule B property is adjacent property and situated under same Dag No. and recorded in the same khatian but K.M.C. recorded the suit plot by separate premises no. as mentioned in the schedule A and B of the plaint. The defendant who are the influential persons of the locality having good relation with leading political party without having any right, title, claim, possession and interest in any manner whatsoever over the schedule property, with a view to grab the schedule property are trying to accumulate some building materials like sand, cement, bricks etc. over the schedule property. Plaintiff rushed to the spot and requested the defendants not to do such illegal acts but the defendants did not pay any heed to request of plaintiff and the defendants including their men and agents physically assaulted plaintiff in presence of the local people. Finding no other alternative plaintiff lodged a General Diary against the defendants vide G.D.E. No. 63 before the Sarsuna P.S. on 01.01.2025 and under compelling circumstances, this plaintiff has filed the instant suit.

In the above circumstances the plaintiff has prayed for an order of temporary injunction restraining the defendants and their men and agents from

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interfering and disturbing with the peaceful use and enjoyment of the suit property by plaintiff and his family members in any way or in any manner.

As a principle, the ad interim injunction order is to be granted to preserve the state of affairs as exists on the date of suit and when refusal of ex parte injunction order would involve greater injustice than the grant of it would involve and serious mischief will ensue to the plaintiff. From the Title Deeds, Property Tax Bills issued by K.M.C. it prima facie appears that plaintiff is in possession of the suit property after purchasing the same. Moreso, it appears that if the prayer for injunction is withheld till the time of process, the very object of injunction as against the defendants appears to be defeated by the delay. Considering all, injunction petition is liable to be allowed. Hence, dispensing with the service of notice, the prayer for ad-interim injunction is allowed.

Hence it is,

ORDERED

that the prayer for ad interim ex parte injunction is allowed. Defendant and her men and agents is hereby restrained from interfering and disturbing with the peaceful use and enjoyment of the suit property by plaintiff till 24/04/2025.

Plaintiff to comply provisions of Order 39 Rule 3(a) & (b) C.P.C.

Requisites at once.

To date for S/R and Appearance.

Let the original documents be returned to the plaintiff on proper acknowledgement.

D & C by me,

CJ

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