

In the Court of Civil Judge(Junior Division), Raiganj, Uttar Dinajpur

Present: Devjani Bose

TS 81 of 2022

CNR. WBUD04-000266-2022

JO Code- WB01403

Order no. 02 Dated 08.08.2022

Record is taken up by way of put up petition for hearing of the plaintiff/petitioner's petition U/O 39 rule 1 (a),(b)(c) R.W. Sec 151 CPC for ad interim order of injunction against def no. 1 to 3 in a suit for Declaration of Title and permanent injunction. Seen the CR and note of the Sheristadar that no caveat is pending till this date.

Now, the petition U/O 39 rule 1 (a),(b)(c) for ad interim injunction is taken up for hearing.

Heard. Considered. Plaintiff filed certified copies of LRROR no. 32, 28, 150, 102, 109, 80, 658 of Mouza PaikPar, P.S. Itahar, U/D and receipt copy of complaint before SP, U/D dt. 06.07.2022 by firishti. Perused the same.

On careful perusal of the materials on record and the documents produced for the perusal of the Court, this Court is prima facie convinced regarding the alleged Titled and Possession of Kanak Bala Das, Ofi Bewa, Pushpa Dasi, Dafalu Das, Dulal Das, Chapalu Das and Samir Das over suit property. The documents does not suggest any relation with the defendants no. 1 to 3 with the suit plot. The receipt copy of complaint before SP, U/D dt. 06.07.2022 suggests that this plaintiffs has cause of action to institute instant suit. As such, the record transpired that the plaintiffs has a prima facie case and that balance of convenience and inconvenience favour plaintiffs at this moment. Urgency is also apparent and plaintiffs' irreparable lose and injury , in absence of Court's intervention can well be presumed. Thus, for the purpose of ensuring so that the suit property shall not get wasted/damaged by the defendants, this Court is inclined to allow the prayer of the plaintiff.

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Accordingly, it is,

ORDERED

That the prayer for ad interim order of injunction is hereby considered and allowed.

The defendant no. 1 to 3 are hereby restrained from dispossessing the plaintiffs and proforma defendants from the suit property and further restrained from changing the nature, character and possession of the suit property as on this date till the next date fixed.

Issue notice upon the defendants No. 1 to 3 calling upon them to show cause within 15 days from the date of receipt of such notice as to why the plaintiff's prayer for an order of temporary injunction shall not be allowed.

Plaintiff to comply with the provision u/O 39 r 3 (a, b) as per law.

Plaintiff to put in requisite of suit and injunction petition and S/c notice at once.

D/A to issue the same after verification.

BC-II to return original documents filed by firisti after keeping proper receipt and keeping photocopies with the record.

Todate 19.11.2022 for SR/ AD and appearance.

D & C by me

CJ(JD)

CJ(JD)