

**In the Court of Ld. Civil Judge(Junior Division) Raiganj Addl. Court, Uttar
Dinajpur,**

Present: Arindam Banerjee

T.S No. 86 of 2022

CNR No.WBUD04-000275-2022

JO Code- WB01495

Order No. 02 dated 21/07/2022

The record is taken up by way of put up petition for hearing of the petition U/O 39 rule 1 (a)(b)(c) R.W. Sec 151 CPC for ad interim order of injunction against the defendant nos. 1 to 3, upon prayer of Ld. Advocate for the plaintiff. Seen the case record 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. Perused the case record carefully.

Considered.

On careful perusal of the materials on record and the documents produced for the perusal of this Court, it can be said that, the case of the plaintiff in nutshell is that the plaintiff inherited the suit property from his father namely Upendra Nath Barman @ Upendra Nath Roy. It is the version of the plaintiff that defendant no. 1, his own son along with defendant nos. 2 and 3 are trying to dispossesses the plaintiff from the suit property and also is trying take possession of the same forcefully and illegally. It is also alleged that the defendant nos. 1 to 3 are trying to raise an illegal construction over the suit property and upon protest, they are threatening the plaintiff herein. Being aggrieved, the plaintiff has came before this court with a prayer to restrain above mentioned defendants.

In support of the contention, the plaintiff herein has submitted the documents like : -

1. Copy related with plot information;
2. Xerox copy of K.B;
3. Legal heir certificate issued by Pradhan of Mustafa Nagar, Gram Panchayat.

After perusal the original documents are returned back to the Ld. Advocate of the plaintiff.

Considering the above circumstances, in the opinion of this Court, the plaintiff has been able to prove a prima-facie case in his favour. Balance of convenience and inconvenience, at present tilts in favour of the plaintiff. It is also opined that if the following order is not passed then the plaintiff may suffer irreparable loss and injury. Urgent intervention of this court seems to be necessary.

Hence, in order to preserve the suit property at present and to restrict multiplicity of suits, this Court is inclined to pass the following order.

Accordingly, it is,

ORDERED

Defendant nos. 1 to 3, are hereby directed to restrain from changing the nature and character of the suit property along with further direction to restrain from creating any disturbance upon the peaceful possession of the plaintiff over the suit property till 18.08.2022.

Issue notice upon the defendants calling upon them to show cause within 15 days from the date of receipt of 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.

D/A to issue the same.

To date for S/R and A/D.

Dictated & Corrected by me,

Civil Judge (Jr. Division),
Addl. Court, Raiganj,
Uttar Dinajpur

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Addl. Court, Raiganj,
Uttar Dinajpur