

**In the court of the Ld. Civil Judge Sr. Division
Jalpaiguri Sadar Court**

**Present :
Sri Miftahul Israr
Civil Judge Sr. Division
Jalpaiguri Sadar Court**

TITLE SUIT NO- 178 / 2025

Filing no. T.S. 1242 of 2025

CNR: WBJP03-000519-2025

Ratna Saha and 3 others vs Gita Choudhury and 7 others.

Order no.2 dated 23-09-2025

The case record is taken up for hearing of ad-interim injunction on the prayer of Ld. Advocate for the plaintiff.

Heard the Ld. Advocate for the plaintiffs. Perused the case record along with the documents submitted by the Plaintiffs / Petitioners in xerox and original and other relevant documents.

Seen the report of the Sharistadar to the effect that there is no caveat lodged in respect of the instant suit / injunction petition. So, there is no legal bar to hear the ad interim injunction.

The plaintiffs filed an application under order 39 Rule 1 & 2 read with section 151 C.P.C. with a prayer to pass an order of ad-interim injunction against the defendant.

Considered.

The instant suit is filed for partition, injunction and other consequential relief valued at Rs.80 lakhs. From the content of the plaint, injunction petition and submission of Ld. Advocate appearing for the plaintiffs it appears that plaintiffs and the defendants have been acquired the land measuring about 0.165 acres comprising in RS Khatian no.1117 derived from Khatian no.1151 appertaining to RS plot no.120 in Sheet no.9, Mouza Kharia, PS Kotwali, Dist Jalpaiguri from their deceased mother and mother in-law. One Nakuleshwar Mitra was the original owner in respect of the suit land and during his lifetime said Nakuleshwar Mitra had transferred the land in favour of Taraknath Dutta by way of sale vide Sale Deed no.I-4014 dated 23-07-1958 and delivered the possession accordingly. Said Taraknath Dutta transferred suit land in favour of the grand mother of the plaintiff and mother in law and grand mother of the defendants namely Sudharani Chowdhury by way of sale vide Sale Deed no.I-2912 dated 27-05-1959 and said Sudharani Chowdhury became the owner and possessor of the suit land and she died

leaving behind her two sons and one daughter namely Amar Chowdhury, Samar Chowdhury and Sefali Chowdhury. Said Amar Chowdhury died leaving behind defendant no.1 to 5 as his legal heirs. Samar Chowdhury died leaving behind defendant no.6 to 8 as his legal heirs. Sefali Saha died leaving behind Sushanta Saha, Prashanta Saha and Ratna Saha and Sanghamitra Saha. Subsequently Prasanta Saha died on 18-09-2015 in unmarried condition and Susanta Saha died on 10-07-2013 leaving behind his wife, the plaintiff no.3 and daughter the plaintiff no.4. Grandmother of the plaintiff no.1 and 2 with the help of their husband have constructed dwelling house and residing there till death. The defendants are trying to construct over the valuable portion of suit land. On 22-07-2025 the plaintiff came to know that the defendants are willing to transfer valuable portion of the suit land in favour of third party. On 25-08-2025 and 18-09-2025 the plaintiffs requested the defendants to make partition of the suit land but the defendants declined to make the partition.

At the time of hearing, Ld. Advocate appearing for the plaintiffs submitted documents before the Ld. Court.

Considering the submission of the Ld. Advocate appearing for the plaintiffs and perusing the case record as well as documents submitted by the plaintiffs, it appears that the plaintiffs and the defendants are the co sharer of the suit property. The plaintiffs have made out a prima facie case to go into trial. Moreover, for the sake of justice the suit property is required to be protected until disposal of the case or ascertainment of rights of parties.

Further considering the circumstances, it appears that the balance of convenience and inconvenience is in favour of the plaintiffs and the plaintiffs may suffer irreparable loss and injury if the injunction order as prayed for is not granted to safeguard the rights of the plaintiffs from apprehending to change nature and character of the suit land.

The injunction is an equitable relief same has to be disposed of on the basis of documents or the face value of documents. So, the plaintiffs have been able to prove prima facie case as it appears to me from the documents filed by her. So, the prayer of the Plaintiffs for ad-interim injunction is justified.

Hence, I am of the opinion to pass an order of ad-interim temporary injunction. Furthermore, I am satisfied of the urgency in passing ad interim injunction order and also of the possibility of multiplicity of the suit if ad interim injunction is

not granted to the plaintiffs.

Hence, it is,

ORDERED

that the prayer of the plaintiffs for ad-interim order of injunction against the defendant is considered and allowed on exparte in part at this stage as per above observations.

The plaintiffs and defendant are hereby directed to maintain **status quo** in respect of nature and character as well as possession of the suit land till the next date of hearing.

Issue notice upon the defendant to file show cause within 15 (fifteen) days of the receipt of the notice as to why the prayer of the plaintiff for granting temporary injunction against them shall not be allowed.

The plaintiffs are directed to comply the provisions of Order 39 Rule 3(a) and (b) of CPC and directed further to file requisites for issuing notice upon the defendant.

To 10-12-2025 for S/R of notice and filling show cause by the defendant.

Civil Judge Sr. Division
Jalpaiguri Sadar Court
J.O. Code: WB01295

Dictated & Corrected by me:

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