

IN THE COURT OF DISTRICT JUDGE, PURBA BARDHAMAN

Present: Sri Sujay Sengupta (WB0650),
District Judge, Purba Bardhaman

Misc. Appeal No.17 of 2023
(CNR No.WBBD-1-001672-2023)

Raghunath Das Bairagya -:Versus:- Sitanath Das Bairagya

Order No.3, dated 01.07.2023.

Today is fixed for admission hearing of this Misc. Appeal.

Learned Advocate for the appellant is present by filing hajira.

Heard Learned advocate.

Appellant herein is the defendant of Title Suit No.385 of 2022. On 23.03.2023, the Learned Court below had been pleased to pass an injunction order thereby restraining the defendant/appellant from unlawfully interfering with the possession of the plaintiff/respondent in the suit property and his cultivation therein till the disposal of the suit, gave rise to prefer this appeal. The suit is for declaration and permanent injunction. As many as 7(seven) grounds have been taken in this Miscellaneous Appeal. There are mixed question of law and facts. The appeal is admitted.

Put requisites for both ways service of notice upon the respondent.

Issue notice accordingly.

To 06.10.2023 for S.R./A.D. and filing postal receipts.

Dictated & corrected by me

Sd

District Judge,
Purba Bardhaman

Sd

District Judge,
Purba Bardhaman

Later : Order No.4, dated 01.07.2023.

At this stage, one stay petition is filed and moved by the Learned Advocate for the appellant.

Heard.

It is submitted by the Learned Advocate that by the impugned order dated 23.03.2023, the Learned Court below at the first instance has been pleased to restrain the appellant herein from interfering with the possession of the plaintiff/respondent in the suit property and in cultivation.

According to him, the C.S., L.R., deeds, and documents including the tax receipts stand in the name of the present appellant/defendant.

It is evident that the Learned Civil Judge (Jr. Divn.) 3rd Court, Burdwan on 23.03.2023, disposed of the application under Order 39 Rules 1 & 2 of the C.P.C., and the matter was heard in presence of both sides and thereafter, the injunction order was passed.

On perusal of the impugned order, I find that the plaintiff/respondent relied upon a deed of the year 1984. In the facts and circumstances, I do not find any urgency or exigency in the subject, the prayer for stay is considered and rejected in the circumstances.

To date (06.10.2023)

Dictated & corrected by me

Sd

District Judge,
Purba Bardhaman

Sd

District Judge,
Purba Bardhaman