

T.S No. 587/2022
(CNR No. WBWM02-000830-2022
(I/A No. 01 of 2022)

Order No. 02, dated:- 10/10/2022

The record is put up today on the prayer of the plaintiff who prays for moving the petition U/o 39 R 1 & 2 of CPC for ad-interim order citing urgency. Let the said petition be registered as IA No. 01/2022.

No caveat has been filed as per the report of the Sherestadar.

Considering the urgency of the matter, the petition is taken up for hearing.

The plaintiff's case, is that the suit properties as described in the schedule of the instant petition originally belonged to the father of the plaintiff and the defendants. After his death the plaintiff and defendants became co-sharers of the suit properties. But now the defendant No.1 is trying to evict the plaintiff forcibly from the suit property and also trying to cause damage to his computer training center and parlour which the plaintiff is running at the suit property. Hence the plaintiff has filed the instant petition.

Perused the petition and the documents filed therewith.

Heard Ld. Advocate for the plaintiff.

On perusal of the Deed No. 100907085 of 2015, record of rights and other documents, I have no hesitation to hold at this stage that the plaintiff is the co-sharer of the suit property along with the defendants. Accordingly, I think that the plaintiff is entitled to protect his possession and interest in the suit property. Hence, I find that the plaintiff has good prima facie case on his behalf at this stage. I also think that if the defendant No.1 forcibly and illegally evicts the plaintiff from the suit property, then the plaintiff will suffer from greater inconvenience than the defendant No.1. Therefore, the balance of convenience is in favour of the plaintiff at this stage. I further think that if the defendant No.1 is not restrained at this stage, then the plaintiff will suffer from irreparable loss and injury. Considering the facts and circumstances of the case, I think that the ends of justice shall be served if both the plaintiff and defendant No.1 are directed to maintain status-quo regarding the nature, character and possession of the suit property as on date.

Hence, it is,

ORDERED

that both the plaintiff and defendant No.1 are directed to maintain status-quo regarding the nature, character and possession of the suit property as on date, till 24/11/2022.

(Contd.....)

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The plaintiff is directed to comply the provisions of Order 39 R 3a & 3b & submit the Affidavit of service latest by tomorrow.

To 24/11/2022 for S/R and appearance of the defendant No.1 and showing cause as to why the ad-interim order shall not be made absolute till the disposal of the suit.

D/C by me.

(Hindol Roy) (WB00816)
C.J.(Sr. Divn), 1st Court,
Sadar, Paschim Medinipur

(Hindol Roy) (WB00816)
Civil Judge (Sr. Divn), 1st Court,
Sadar, Paschim Medinipur