

T.S. 23 / 22 (Reg. No. 23 / 22)
CNR No. WBBK07-000108-2022
Present : Smt. Jyotsna Roy (J.O. Code WB00933)

Later,
Dated 25.04.22

Petition filed by plaintiff praying for passing an order under Order 39 Rule 1, 2 and 3 read with Section 151 CPC is taken up for hearing.

Ld. Advocate for the plaintiff submits that let the prayer for the ad-interim injunction be disposed of on this day.

As such ad-interim application is moved by Ld. Advocate of the plaintiff.

Heard the Ld. Advocate for the plaintiffs at due length and in full.

This is a suit for declaration, partition and permanent injunction.

Perused the instant application.

The record shows that the plaintiff no. 1 has instituted the above numbered title suit against defendant nos. 1 to 15 praying declaration and partition by metes and bounds to the effect of declaration of 1234 sq. ft. area in the Ka schedule property. Defendant nos. 1 to 15 have owned and possessed the rest 3998 sq. ft. area in respect of the Ka schedule property with the plaintiff no.1 jointly and amicably without being partitioned as per provisions of law. Now, defendant nos. 10,11 and 12 are going to dispossess the plaintiff no. 1 from his share by way of trying to make illegal construction on the valuable portion of the undivided Ka schedule property by collecting brick, sand and cement, i.e., raw materials of construction with the help of other defendants as well as the defendant nos. 10,11 and 12. defendant nos. 10,11 and 12 are also going to sell out the valuable portion of the undivided Ka schedule property to the strangers without making it partition as per provisions of law.

Plaintiff has been able to prove the prima-facie case by producing relevant documents in support of the instant application.

Perused the documents in original and this court finds it most important to preserve the nature, character and possession of the suit property. It further appears from the prayer of plaintiff that defendant nos. 10 to 12 are trying to make illegal construction on the valuable portion of the undivided Ka schedule property.

For that it is found expedient that the plaintiff and defendant nos. 10 to 12 should be directed to maintain *status quo* in respect of schedule mentioned suit property till the hearing of the temporary injunction.

Hence, it is,

ORDERED

that the plaintiff and defendant nos. 10 to 12 are hereby directed not to change the nature, character of the suit property till 10.05.22.

Both the parties to this suit are hereby directed to maintain *status quo* in respect of the suit property.

Issue notice upon defendant nos. 10 to 12 to show cause within 15 days from the date of receipt of notice as to why the prayer for temporary injunction shall not be granted as prayed for by plaintiff.

Plaintiff is to comply with the provisions of order 39 rule 3 (a) and (b) CPC within 24 hours failing which the order shall be recalled.

Plaintiff to file requisites forthwith.

Dictated and corrected by me
Sd/- J. Roy
Civil Judge (Sr. Divn.),
Bishnupur.

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Civil Judge (Sr. Divn.)
Bishnupur.

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Photocopies of the documents are compared with the original documents. Let the original documents be handed over to the Ld. Advocate of the plaintiffs.

Dictated and corrected by me

Sd/- J. Roy
Civil Judge (Sr. Divn.),
Bishnupur.

Sd/- J. Roy
Civil Judge (Sr. Divn.)
Bishnupur.