

Title Suit No. 155 of 2025

CIS No. 155 of 2025

CNR No. WBBK07-000234-2025

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 02

Dated 13-11-2025

Record is put up today on the strength of a put up petition filed by the plaintiffs. Petition is considered and allowed.

Ld. Counsel for the plaintiffs intends to move the application under Order 39 Rule 1 & 2 of CPC.

The crux of the plaintiffs' case is that the 'B' schedule property which is a part and parcel of 'A' schedule property belonged to Narendranath Kar, being the predecessor of the plaintiffs. On the other hand, defendant no.1 is one of the co-sharers in respect of the schedule property. It has been further averred in the plaint that the 'A' schedule property is retained property as per provision of WBLR Act by said Narendranath Kar (since deceased) and accordingly, his name was recorded in R.S.Khatian no.154, 155, 156, 157 of mouza-Bishnupur Municipality in R.S. plot no.2603, 2598, 2597 & 2596 respectively which now became one single plot in L.R. R-o-R being L.R. plot no.11875. It has been more averred in the plaint that plaintiff no.12 remitted land revenue in favour of State Government and accordingly, it was presumed that Narendranath Kar became the direct tenant under the State of West Bengal in respect of 'B' schedule property out of 'A' schedule property.

It has been contended by the plaintiffs that defendant no.1 is an influential person and changed the L.R. R-o-R record in a fraudulent way and now trying to alienate the 'B' schedule property to the third party and also trying to change the nature and character of the schedule property by ousting the plaintiffs.

So, plaintiffs have prayed for an order of injunction restraining the defendant no.1 from alienating the suit property to any third person and from changing the nature and character of the schedule property.

As per the departmental report no caveat is pending on the said property with regard to the said dispute.

Ld. Counsel for the plaintiffs in the course of his submission filed certified copy of R.S. R-o-R and plot information as per L.R. R-o-R. Plaintiffs also filed the legal heir certificate issued by Bishnupur Municipality and property tax receipt as well as khajna. It appears from the said documents that plaintiffs are the legal heirs of said Narendranath Kar @ Upendranath Kar and property tax receipt as well as khajna receipt clearly reflect that plaintiffs are the owners and possessors of 'B' schedule property out of 'A' schedule property. The R.S. R-o-R also reflects that Narendranath Kar @ Upendranath Kar was one of the co-owner in respect of the schedule property. Accordingly, I have no iota of doubt that plaintiffs are the co-owners in respect of the 'A' schedule property.

So, plaintiffs are quite able to prove a *prima facie* case in their favour. The balance of convenience and inconvenience also tilts in favour of the plaintiffs on the basis of the documents in regard to the chain of title which has been cast upon the plaintiffs. Since, the schedule property was not exclusively owned and possessed by defendant no.1, the plaintiffs will suffer irreparable loss and injuries if defendant no.1 able to oust the plaintiffs from the schedule property.

In this context, it is also pertinent to mention here that no one should be evicted without following due process of law and it is well settled principle that L.R. R-o-R does not confer any title on absolute basis.

Accordingly, I find that some protection can be given to the plaintiffs at this juncture.

Hence, it is,

ORDERED

that the prayer for ad interim order on application under Order 39 Rule 1 & 2 of CPC preferred by the plaintiffs be and the same is granted but in part as ad-interim measure.

Defendant no.1, his men, agents and associates are hereby restrained from disturbing the plaintiffs in any manner whatsoever in respect of peaceful possession of the plaintiffs over the suit property till the next date. They are hereby restrained from alienating the schedule property or any portion thereof to any third party upto the next date.

Defendant no.1 is hereby directed to show-cause within 30 days from the date of receipt of notice as to why the relief claimed in the said application shall not be granted.

Issue notice accordingly.

Plaintiffs are hereby directed to file the requisites forthwith.

Plaintiffs are also directed to comply Rule 3(a) & 3(b) of Order 39 forthwith within 24 hours.

To date **(06-12-2025)** for awaiting SR of summons/notice and appearance of the defendants.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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