

Title Suit No. 103 of 2023

CIS No. 103 of 2023

CNR No. WBBK07-000224-2023

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

Order no. 11

Dated 22-08-2025

Today is fixed for W.S. & W.O. by defendant.

Memorandum of appearance filed by the plaintiff and defendant.

Ld. Counsel on behalf of defendant filed one adjournment application with a prayer for time for filing W.S.

The prayer is considered and allowed.

Today Ld. Counsel on behalf of the defendant submitted that he will not file any W.O. against the temporary injunction application filed by the plaintiff.

Accordingly, the temporary injunction application is taken up for hearing for speedy disposal of the suit.

The brief facts of the plaintiff's case is that the property was originally belonged to Nepal Ch. Gope and some portion of the said property has been transferred in favour of the plaintiff by virtue of a registered deed of sale bearing no. 010702705 for year 2023 and the same is mentioned as schedule 'A' of this suit. It has been further alleged that on several occasions plaintiff requested the defendant for amicable partition of the suit property, but defendant flatly refused to do partition of the suit property. Now defendant with intent to grab the portion of the plaintiff are trying to raise illegal and unauthorized construction over the suit plot.

On the other hand, defendant denied and disputed all material allegations as alleged by the plaintiff except the matter of record. However, no specific case was raised by the defendant. It has been admitted by the defendant that the suit property has not been partitioned by metes and bounds.

During course of submission plaintiff submitted some documents in firsty, viz., one original registered deed and a photocopy of the deed by which defendant got his right, title and interest over the schedule property. The original deed reflects that defendant has transferred 03 decimal of land in favour of the plaintiff. The Record-of-Rights also reflects the name of the plaintiff. So, prima facie it is clear that the plaintiff is the co-sharer of the suit property.

However, considering the facts alleged in the pleadings of the respective parties, I find that there are triable issues which makes a *prima facie* case in favour of plaintiff. The balance of convenience and inconvenience tilts in favour of the plaintiff on the basis of deed submitted by the plaintiff.

Since the 'A' schedule property in question has not been partitioned yet, the plaintiff will suffer irreparable loss and injury, if the nature and character of the suit property is changed.

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Considering the nature of dispute and to avoid future complications which may give rise to multiplicity of proceeding, I am inclined to grant an order of injunction.

Hence, it is,

ORDERED.

that injunction application preferred by the plaintiffs under Order 39 Rule 1 & 2 of the CPC is allowed on contest, but in part without any order as to costs.

Accordingly, defendant, his men, agents and associates are hereby restrained from changing the nature and character of the 'A' schedule property or any portion thereof in any manner whatsoever till the disposal of the suit.

Both parties are also directed to maintain '*status quo*' in regard to their proportionate share over the 'A' schedule property as mentioned in the body of this order, till the disposal of the suit.

Accordingly, the application filed by the plaintiffs for extension of ad interim injunction order is rejected.

Fix **29-10-2025** for W.S. by the defendant.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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