

Order No.02 Dated 04-11-2022:

The plaintiff files a put up petition.

The instant petition is moved by Ld. Advocate and hence taken up for hearing today.

The plaintiff moves before the Court the petition under Order 39 rule 1 and 2 for an order of ad interim injunction.

Seen the case record and noted that no caveat is pending.

The plaintiff files some documents by firsti in xerox as well as in original form.

Let it be kept with the record.

Now, let us consider whether on the basis of the statement made on affidavit by the plaintiff and the documents filed by him, an order of ad interim injunction as prayed for can be granted at this stage prior to issuance of notice upon the defendants against whom the said prayer of ad interim injunction is made.

The case of the plaintiff in nutshell is that the 'A' schedule suit property previously belonged to Durgapada Ghosh and Tarapada Ghosh who in the year 2007 due to urgent need of money sold the said property along with other non suit property by a sale deed being no. 1477 of 2007 to one Shyamal Mandal. Later the said Shyamal Mandal sold the 'A' schedule property by a sale deed being no.4595 of 2007 to the plaintiff. The plaintiff being an illiterate person after the said purchase did not applied for mutation but in the year 2018 the plaintiff applied for mutation to the office of the defendant no.2 which was rejected. However, the main defendants having no right, title, interest and possession over the suit property are illegally and forcefully trying to grab the suit property based upon some erroneous record of right. Lastly on 17.10.2022 the main defendants threatened the plaintiff with dire consequences of dispossession from the suit property. Having no other alternative, the plaintiff has been compelled to file the instant suit along with a prayer of temporary injunction on an ad-interim basis.

Perused the plaint, affidavit, petition, documents submitted along with the petition.

To support his case, the plaintiff have filed the photocopy of Sale deed being nos. 4595 of 2007, P1477 of 2007, Plot Information, Mutation notice and Order sheet.

On scrutiny of the documents filed by the plaintiff the Court is of the view that the plaintiff has not filed any proper document or scrap of paper to show his present possession with regard to the 'A' schedule suit property. As stated by the plaintiff that there has been an erroneous record of tigt but that is purely a matter of trial. So, the Court thinks that an opportunity of being heard to the defendants should be given before passing any order. Considering the non-urgency of the matter at this stage the Court is inclined to refuse the temporary injunction at this stage on an ad-interim basis.

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J.O. Code WB01422

Hence, it is

ORDERED

that the temporary injunction petition on ad-interim basis is refused at this stage. Thus IA/1/2022 is disposed of accordingly.

Issue notice upon the defendants to call upon them to show cause within 15 days from the receipt of such notice as to why the plaintiff's prayer for an order of temporary injunction shall not be granted.

Requisites at once.

To date for S/R and appearance.

Civil Judge (Junior Division)
3rd Court, Paschim Medinipur