

In the Court of Civil Judge (Jr. Divn.) Gangarampur at Buniadpur

Present: Priyanka Thapa

Civil Judge (Jr. Divn.)

J.O. Code: WB01586

T.S- 126/2026

Reg. No- 126 of 2026

CNR: WBDD07-000262-2026

02

16.06.2026

Record is put up today by way of one put-up petition.

Ld. Advocate for the Plaintiffs submit that hearing the ad-interim injunction application at this stage is of utmost urgency, failing which, the present Plaintiffs may suffer irreparable loss at the hands of the Defendants.

Considering the gravity of the prayer made by the Plaintiffs, the petition for ad interim injunction hearing under order XXXIX Rule 1 (a) (b) (c) read with section 151 of Civil Procedure Code is taken up.

As per the office report, no Caveat is being filed.

This is a suit for declaration of the Ejmali title and permanent injunction.

The injunction application is taken up for consideration.

Heard Ld. Advocate for the Plaintiffs. Perused the injunction application, materials on record and other documents filed by the Plaintiffs.

A synoptic representation of the instant application is that the scheduled property comprising JL No. 80, Khatian no. 326, Plot no. 2475, measures an area of 4 decimals of land out of a total area of 7 decimals, is situated at P.S. Gangarampur, within Mouza Jaipur, District Dakshin Dinajpur. The Plaintiffs contend that the original absolute owner of the 6 decimals of suit property was one Ganamoni Roy, whose name was correctly recorded in the L.R. Khatian No. 326. Upon his demise, his legal heirs succeeded to the property and have been jointly possessing and enjoying the land without any dispute from other co-sharers. Out of the total 6 decimals of land, a portion measuring 4 decimals is the direct subject matter of the present dispute.

The Plaintiffs state that they are currently residing out of town due to work commitments. Taking advantage of their absence, on 10.04.2026, the Defendants erected a tin fence enclosing the Plaintiffs' possessed land. Upon discovering this, when the Plaintiffs went to the spot on 20.04.2026 to inquire, the Defendants desperately threatened to murder them if they entered the land, and explicitly stated their intention to build a permanent concrete structure (Paka Bari) over the suit property. Despite a complaint being filed at Gangarampur Police Station, the Defendants continue to advance their illegal construction. The Plaintiffs assert that on 30.05.2026, the Defendants gave a final ultimatum refusing to dismantle the obstruction.

Ld. Advocate for the Plaintiffs state that the Defendants have no right, title, or interest over the suit land and are attempting a forcible, unlawful encroachment. It is urged that a strong prima facie case exists in favour of the Plaintiffs and that if the Defendants are not instantly restrained, the nature and character of the property will be irreversibly changed, causing irreparable harm.

In support of their case, the Plaintiffs have filed a xerox copy of L.R. Khatian No. 326 and a Legal Heirs Certificate.

Having heard and considered the submission of Ld. Advocate for the Plaintiffs, and also, through the materials on record, it appears that the Plaintiffs are in possession of the suit property, which at this juncture is enough to establish a strong prima facie case in their favour. Upon careful perusal of the documents submitted by the Plaintiffs, it appears that the balance of convenience lies in their favour.

Considering the urgency of the matter, I find that if an ad-interim order of injunction is not granted in favour of the Plaintiffs, the Plaintiffs may suffer irreparable loss and injury, thereby defeating the object of the injunction petition and leading to multiplicity of suits.

Hence, it is,

ORDERED

*that the ad-interim prayer is considered and **allowed**.*

*The Plaintiffs and Defendant nos. 1-3 are directed to maintain status quo in respect of the nature and character of the suit property as mentioned in the schedule of the plaint till the **next date**.*

Issue notice upon the Defendants, directing them to show cause within fifteen days of receiving this notice as to why the prayer of the Plaintiffs for a temporary injunction should not be granted against them.

The Plaintiffs are directed to file requisites as per the provisions of Order 39 Rule 3(a) and 3(b) of the C.P.C at once.

***To date** for S/R and hearing of the injunction petition.*

Typed by me.

*Civil Judge (Jr. Div.)
Gangarampur at Buniadpur*

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Gangarampur at Buniadpur*