

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

Present: Priyanka Thapa

Civil Judge (Jr. Divn.)

J.O. Code: WB01586

T.S- 137/2026

Reg. No- 137 of 2026

CNR: WBDD07-000282-2026

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 petition 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 recovery of Khas possession and mandatory injunction.

The injunction petition 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. 221, Khatian nos. 114/2, Plot no. 112, measures an area of 10 decimals of land and Khatian no. 114, Plot no. 112/164, measures an area of 7 decimals of land, is situated at P.S. Kushmandi, within Mouza Gangajit, District Dakshin Dinajpur. The Plaintiffs contend that they are the owners in peaceful possession of the suit property inherited from their father, Late Hagura Paly. It is alleged that the Defendants, without any legal right, title, or interest, have illegally encroached upon and occupied portions of the suit property. Specifically, Defendants Nos. 1 and 2 have whimsically started constructing a house on the middle portion (10 decimals) of Plot No. 112, while Defendants Nos. 3, 4, 5, and 6 have ongoing half-done building construction on Plot No. 112/164 (7 decimals).

The Ld. Advocate for the Plaintiffs submits that on 19.04.2026, when the Plaintiffs attempted to obstruct the illegal construction, the Defendants desperately threatened them with physical harm and political backing. It is argued that a strong prima facie case lies in favour of the Plaintiffs, the balance of convenience is entirely in their favour, and if an immediate restraint order is not granted, the defendants will complete the constructions, change the nature and character of the property, and cause irreparable loss to the Plaintiffs.

To make out a prima facie case in favour of the Plaintiffs, the Plaintiffs have produced several documentary evidences, including photocopies of L.R. Khatian Nos. 114, 114/2, 114/3, 114/4 and 114/5 alongside photocopies of plot information. etc.

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. 1-6 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