

T.D.S. 29/2025

CIS No. 29/2025

Order no. 10 dated 13.01.2026

Today is fixed for passing order.

Hazira is filed on behalf of both the parties.

Plaintiff has also filed a petition praying for extension of order of interim injunction.

Now, the case record is taken up for passing an order in relation to the petition u/o 39 r 1 and 2 read with Section 151 of CPC filed by the plaintiff praying for temporary injunction.

The plaintiff's case in nutshell is that she became the absolute owner of the suit property by virtue of a registered deed of sale being document No. 040303703/2022. Khatian is also issued in her name. Since the month of August, 2025 the defendants made attempt to take forceful possession of the suit land. She lodged a complaint on 25.08.2025 before O.C, Bagdogra PS as well as before BL & LRO, Phansidewa. No action was taken by the concerned and hence, this suit.

In this context, plaintiff prays for an order of temporary injunction restraining the defendants from entering into the suit property or from disturbing the plaintiff from peaceful possession and enjoyment of the suit property or dispossessing or ousting the plaintiff from the suit property without due process of law or from alienating and/or transferring or encumbering in any manner the suit property to any third party/stranger till the disposal of the present suit.

In support of her contention, plaintiff has filed the following original documents along with its photocopies: 1. Registered deed of sale, 2. Khatian, 3. Written communication dt. 25.08.2025 to BL & LRO, Phansidewa, 4. Written complaint dt. 25.08.2025 to the O.C, Bagdogra PS and 5. Khazna receipt dt. 25.08.2025. Plaintiff has also filed written notes.

In addition to that the plaintiff has relied on the following judgments:- 1. AIR 2013 MP 8, 2. (2010) 1 SCC (Civ) 390, 3. AIR 2004 SC 4609, 4. 2013 (122) AIC 831, 5. 2012 (118) AIC 309 Allb, 6. AIR 2011 HP 116, 7. AIR 2010 (NOC) 292 (Raj).

On the other hand, defendants appeared in the instant suit by filing Vakalatnama. They filed W/O against the present application. Their case is that they are in possession of their own land which is different from suit land. That the present plaintiff is not in possession of any land in LR Plot No. 105. It is the present plaintiff who is trying to encroach the defendants land. In addition to that, predecessor in interest of the plaintiff has no right, title and possession in the suit plot and

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as such the plaintiff had not acquired any right, title and interest in the suit plot. Hence, they pray for the rejection of the present application.

In support of their contention, defendants have filed certified copies of the following documents 1. plot information of LR Plot No. 105, 106, 107 and RS to LR plot information number.

Heard both sides. Perused the petition, W/O, written notes, documents filed by both the parties, cited judgments and also relevant materials on record. Considered.

The question as to whether the plaintiff has valid title in respect of the suit land or not can only be determined after trial. Without taking evidence of both the parties, no effective decision can be arrived at regarding the matter in dispute. Therefore, at this stage, from the documents submitted by both the parties, it appears that at present, both the plaintiff and defendants are the co-owners in LR plot no. 105 as per the Plot Information. So, at this stage, preservation and protection of the suit land is necessary and for the same, this Court is of the view that an order of status quo will not in any way prejudice any of the parties.

Hence, it is

ORDERED

that the petition under order 39 rule 1 and 2 read with Section 151 CPC filed by the plaintiff is hereby considered and allowed on contest without any order as to cost.

Both the parties are directed to maintain status quo in respect of the nature, character and possession of the suit property till the disposal of this suit.

Let the original documents be returned to both the parties with a direction to refile the same when called for.

Fix 27.03.2026 for hearing of petition u/s 151 of CPC.

In the light of the above mentioned order, the petition for extension of order of ad interim injunction becomes infructuous and hence rejected.

D/C by me

Civil Judge (Jr. Division), SLG

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