

Contd.

Order No. 2

**Date:03.02.2022**

Ld. Advocate for the plaintiff has prayed for hearing of injunction petition with ad interim relief on the ground of urgency.

It appears from the case record that no caveat is pending against this suit till date. Therefore, the injunction petition is taken up for hearing.

The crux of the plaintiffs' case is that the plaintiff has acquired the suit property and by virtue of registered deed of gift being no. 3371 dated 03.05.2017. He is in possession of the suit property and LR ROR is filed in the name of plaintiff. The defendants without having any right, title, interest and possession over the suit property is trying to disturb the peaceful possession of the plaintiff. Without having any alternative, the plaintiff has filed this suit. Hence, this petition.

I have heard Ld. Advocate for plaintiff, perused relevant materials on record.

It appears that the plaintiff has a *prima facie* case fit for adjudication. If the defendants change the nature and character of the suit property then the plaintiff may suffer irreparable loss and multiplicity of proceedings may crop up. The balance of convenience and inconvenience tilts in favour of plaintiff at this stage.

Hence it is

**Ordered**

That the ad interim injunction prayer of plaintiff under Order 39 Rule 1 & 2 of CPC is considered and **allowed**, without any order as to costs.

Both parties to this suit are directed to maintain status quo with regard to the nature and character over the 'ka' -schedule property of plaintiff till 13.04.2022.

The defendants are directed to show cause within 15 days from receipt of notice as to why the temporary injunction prayer of plaintiff shall not be allowed in his favour.

Plaintiffs are directed to comply Order 39 Rule 3(a) and (b) of CPC.

Requisites at once.

To dated (13.04.2022) for S/R.

D & c by me

Civil Judge (Jr. Divn),  
Haldia

Civil Judge (Jr. Divn),  
Haldia

**TS 38 of 2022**

**Contd.**

**Order No. 2**

**Date:03.02.2022**

Ld. Advocate for the plaintiff has also prayed for local inspection of the suit property.

Heard. Perused. Considered.

It appears from the schedule of instant petition that the local inspection will bring the real picture of the suit property before this Court and that will help in effective adjudication of suit. Other than that the defendant will not be prejudiced by such local inspection.

Hence, it is

**Ordered**

that the local inspection petition is considered and **allowed** without costs.

**Bibhutosh Mondal**, a practicing Ld. Advocate of this Court is hereby appointed as Ld. commissioner to hold local inspection as per schedule annexed to the instant petition.

The plaintiff is directed to pay a sum of **Rs. 1,200/-** as Ld. Commissioner's fees.

Ld. Commissioner is further directed to hold local inspection after serving notice upon both parties in their presence.

Issue writ as soon as payment is made.

To dated (13.04.2022) for S/R.

D & c by me

Civil Judge (Jr. Divn),  
Haldia

Civil Judge (Jr. Divn),  
Haldia