

C.I.S./T.S. 56 of 2022

Order No. 2

Date: 15.02.2022

Today one put up petition has been filed by Ld. Advocate for the plaintiffs praying for hearing of injunction petition with ad interim relief on the ground of urgency. The put up is **allowed**.

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.

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

It appears that there is no urgency in this case. Both the parties are co-sharers. The plaintiffs will not suffer any irreparable loss in absence of any injunction order. The balance of convenience and inconvenience does not tilt in favour of plaintiffs at this stage.

Hence it is

Ordered

That the ad interim injunction prayer of plaintiffs under Order 39 Rule 1 & 2 of CPC is considered and **refused** at this stage without any order as to costs.

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

Requisites at once.

Ld. Advocate for the plaintiffs 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 defendants will not be prejudiced by such local inspection.

Hence, it is

Ordered

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

Suman Bera, 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 plaintiffs are 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 (30.04.2022) for S/R.

D & c by me

Civil Judge (Jr. Divn),
Haldia

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