

J.O. Code: WB1357
T.S. 69 of 2023
CIS No. 69 of 2023

Later,

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 obtained the property by way of one registered nirupan deed being no. 7263 of 1956. The name of the plaintiff was duly recorded in LR ROR. The defendants without having any right, title, interest and possession over the suit property is trying to change the nature and character of the suit property. Without having any alternative, the plaintiffs have filed this suit and this petition.

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

It appears that the plaintiffs 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 the plaintiff and defendant are directed to maintain status quo in respect of nature and character of the 'ka' scheduled suit property till 18.08.2023.

The defendant is 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.

Ld. Advocate for the plaintiffs have 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.

Anupam Hazra, 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 (18.08.2023) for S/R.

Sd/-
Civil Judge (Jr. Divn),
Haldia

Sd/-
Civil Judge (Jr. Divn),
Haldia