

TS 97 of 2022

Contd.

Order No. 2

Date:29.03.2022

Ld. Advocate for the plaintiffs have 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 plaintiffs have acquired the suit property and by virtue of registered deeds of sale being no. 4338 dated 17.06.1983. He is in possession of the suit property and LR ROR is filed in the name of plaintiff. The defendant 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 plaintiffs, perused relevant materials on record.

It appears that the plaintiffs have a *prima facie* case fit for adjudication. If the defendant change the nature and character of the suit property then the plaintiffs may suffer irreparable loss and multiplicity of proceedings may crop up. The balance of convenience and inconvenience tilts 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 **allowed**, without any order as to costs.

The plaintiff and defendant to this suit are directed to maintain status quo with regard to the nature and character over the 'ka' -schedule property of plaintiff till 17.06.2022.

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

Plaintiff is directed to comply Order 39 Rule 3(a) and (b) of CPC.

Requisites at once.

D & C by me

Civil Judge (Jr. Divn),
Haldia

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Haldia

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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.

Hence, it is

Ordered

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

Debashree Bag, 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 (17.06.2022) for S/R.

D & c by me

Civil Judge (Jr. Divn),
Haldia

Civil Judge (Jr. Divn),
Haldia