

**In the Court of the Civil Judge (Sr. Divn.), 2nd Court,
Rampurhat, Birbhum**

Present : Present : Sri Sohan Mukhopadhyay
Civil Judge (Sr. Divn.), 2nd Court,
Rampurhat, Birbhum
JO Code No:-WB01113

T.S. No :439 / 2022
CNR No. WBBB07-000574-2022

Abdul Gani Plaintiff.

Vs.

Murtoja Mallick & 4 Ors.Defendants.

ORDER NO.01 DATED 06.12.2022.

The plaint is presented today. This is a suit for partition of the properties as mentioned in the schedule of the plaint.

The plaintiff also files a petition Under Section 80(2) of the Code of Civil Procedure, with prayer to allow the plaintiff to file and proceed with the suit by dispensing with the notice as contemplated under the given section of law, upon the State Defendants as named in the plaint. Heard for the plaintiff on this point. Seen the pleadings. It appears that there is indeed some urgency in the matter and waiting for notice and action taken will frustrate the purpose of the suit. So the prayer of the plaintiff under Section 80(2) of the C.P.C is hereby allowed.

d/c

Civil Judge (Sr. Divn), 2nd Court,
Rampurhat, Birbhum

Civil Judge (Sr. Divn), 2nd Court,
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ORDER NO.02 DATED 06.12.2022.

The plaint is presented today. This is a suit for partition and permanent injunction of the properties as mentioned in the schedule of the plaint.

Seen the valuation statement given by the plaintiff. The valuation given by the plaintiff is provisionally accepted.

Heard the learned Advocate for the plaintiff. Perused the pleadings. Considered.

Register. Admit.

Issue summons upon the defendants calling upon them to appear, in person or through pleader to answer the claims and to file written statement, if any within 30 days from the date of service thereof.

Plaintiff is hereby directed to take steps for issuance of summons upon defendants as provided under the provisions of Code of Civil Procedure(Amended)2002.

Requisite have already been filed by the plaintiff. Issue the same.

To **06.03.2023** for S/R upon defendant no.1 to 5.

d/c

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Contd...

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ORDER NO.03 DATED 06.12.2022.

Ld. Lawyer for the plaintiff file an application U/O 39 Rule 1 & 2 read with Section 151 of the C.P.C supported by an affidavit along with documents as per list praying for passing an order for temporary injunction as well as ad-interim injunction restraining the defendant nos.1 & 2 from dispossessing the plaintiff from the suit property mentioned in the schedule and also not to disturb the peaceful possession of the plaintiff from the suit property and from changing the nature and character of the said suit property by raising new construction therein.

Issue notice upon the defendant nos.1 & 2 directing them to file show cause as to why the petition for injunction shall not be allowed in terms of the prayer of the plaintiff within 10th day from the date of receipt of notice.

Heard.

It appears from the report of the Sheristadar that a caveat being no.97 of 22 dated 15.11.2022 is still pending.

Hence, the prayer for ad interim injunction is considered and refused.

The plaintiff to serve the copy of the injunction petition upon the deft nos.1 & 2 and the injunction petition will be heard after the service of notice upon the defendant no.1 & 2.

To **10.01.2023** for injunction hearing & S/R.

d/c

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Rampurhat, Birbhum.

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