

Title Suit No. 47 of 2024

Order No.07 dated 13.08.2025

Today is fixed for hearing of the injunction application u/Or 39 r 1 & 2, and under Section 151 of CPC.

Plaintiff filed hazira.

This is the suit for declaration, partition as well as permanent injunction.

Heard the Ld. Advocate of the plaintiffs who submitted that Becharam Dhul having $\frac{1}{2}$ share, Nimai Dhul and Askhya Kumar Dhul having $\frac{1}{4}$ th share each were the co-sharers of the property. Nimai Dhul transferred his $\frac{1}{4}$ th share to one Hariprassana Hal by virtue of the registered deed being No. 1894/1964 dated 21.03.1964. Hariprassana Hal transferred the same to Avarani Das (Dhul) by virtue of the registered deed being No. 757/1973. She transferred her share by virtue of the registered deed of settlement being No. 4154/1989 in favour of her daughter defendant No. 2. Bhim Chandra Dhul being the only legal heir of Becharam Dhul inherited $\frac{1}{2}$ share of his father in the suit property. He died leaving behind 8 sons who inherited the share of their father Bhim Chandra Dhul. Akshya Kumar sold his share to Panchkari Dhul who died leaving behind 3 sons. One of the son of Panchkari Dhul transferred his share by virtue of the registered being No. 443/2011. The defendant No. 1 on 17.03.2024 entered into the suit property and engaged some labour with a intention to make illegal construction over their. On being protested he threatened the plaintiff with dire consequences. Plaintiff reported the matter to the local PS but all in vain. Plaintiff and the defendants are the co-sharers of the suit property which is undemarcated and undivided one.

He, therefore, prayed for an order of temporary injunction against defendant No. 1 restraining them from disturbance in the peaceful possession of the plaintiff, dispossessing the plaintiff, changing the nature and character, raising any construction in respect of the schedule suit property.

Heard. Considered.

After perusal of the documents and materials on record it is found out that the plaintiff has able to prove his right, title, interest over the suit property. Both the parties are the co-sharers in respect of the suit property which is undivided and undemarcated one.

The suit is proceeding ex parte against the defendants.

Upon a close inspection to the matter and considering the entire facts and circumstances of the case, on perusal of the injunction application as well as affidavit and relevant documents by the plaintiffs, this Court does not find any impediment in allowing the injunction application. Further the Court thinks that without the order of injunction the plaintiff shall suffer irreparable loss and injury. In view of the above circumstances prayer for temporary injunction is considered and allowed.

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Hence, it is

ORDERED

The application u/Or 39 r 1 & 2 CPC r/w section 151 CPC is allowed and disposed of ex parte without any order as to cost. Both the plaintiff and defendants are hereby directed to maintain status quo with regard to nature, character, possession and activities as on this day in respect of the suit property till the disposal of the suit.

To 11.12.2025 for ex parte hearing of the suit.

D/c by me

CJ

**Civil Judge (Jr Divn)
Amta, Howrah**