

**Title Suit No. 48 of 2023**

**Order No.11 dated 02.07.2024**

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

Plaintiff filed hazira and prayed for extension of the ad interim injunction by filing petition.

Defendants filed hazira.

Defendant filed one rejoinder affidavit.

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

Ld. Advocate of the plaintiffs moves the application for ad interim injunction and submitted that the suit property described in the 'Ka' schedule of the plaint is the subject matter of the present suit. Ld. Advocate submitted that the suit property originally belonged to their predecessors namely Bijoygopal, Joygopal, Nandagopal, Kedarnath, Bibhutibhusan and Basanta Kumar. The plaintiffs have inherited the suit property upon the demise of their aforesaid predecessors. The names of the said predecessors were also duly recorded under RS khatian No. 1141 for the mouza of Amta. At present the LRROR relating to the suit property stands recorded in the name of the plaintiffs. Ld. Advocate went on to contend that the defendants do not have any right, title or interest in the suit property. On the other hand, the plaintiffs have made conveyances between themselves in connection with the suit property vide several registered conveyance deeds. Ld. Advocate further submitted that on and from 30.10.2022 the defendants are giving repeated threats that they will forcibly dispossess the plaintiffs from the suit property. He also submitted that when the plaintiffs objected to the threats given by the defendants then the said defendant further threatened them that they will change the nature and character of the suit property by making illegal construction on the same. Ld. Advocate of the plaintiffs contended that for the said reason the plaintiffs have been compelled to file the present suit in order to protect their interest in the suit property.

Ld. Advocate for the defendant raised vehement objection stating that the suit property is being used as a play ground for the children and also it is used for worshiping the goddess Ma Kali. The plaintiff is trying to transfer the property to the third party.

Heard. Considered.

On perusal of the record it is seen that the plaintiffs are the owner of the schedule suit property and the defendants have no right, title and interest over the same. The property is being used by the public. The defendant has made some constructions also.

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 submission of both the parties, 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 in the form of status quo. So both the parties should

maintain status quo as to the nature, character and activities as on this day in respect of the suit property till disposal of the suit.

Hence, it is

**ORDERED**

The application u/Or 39 r 1 & 2 CPC r/w section 151 CPC is allowed and disposed of on consent 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 **31.07.2024** for framing of issues.

**D/c by me**

**CJ**

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