

Title Suit No. 55 of 2024

Order No.09 dated 10.12.2025

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

Plaintiff filed hazira.

Defendants filed hazira.

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

Heard the Ld. Advocate of the plaintiffs who submitted that the father of the plaintiff was the bargadar under Dilip Kumar Seth who was the owner of the Ka schedule property. After the death of Monmotho Vandari, father of the plaintiff, the plaintiff was continuing his cultivation work as bargadar over the Ka schedule property. The Ka schedule property was sold to plaintiff by virtue of a registered sale deed dated 17.03.2021 at a reasonable market price by Dilip Seth. The plaintiff has recorded his name in the Record of Rights and possessing the property by cultivating the same. At the adjoining western side of the Ka schedule property dag No. 846 of the defendant and other co-sharer is situated. On 19.05.2024 the defendant with his men and agents started digging the soil at the North-western side and North-southern side of the Ka schedule property for raising boundary wall for encroaching the same, which is mentioned in the Kha schedule of the plaint. On being protested by the plaintiff, the defendant and his men and agents abused him with filthy languages and threatened him with dire consequences. The plaintiff, therefore, prayed for an order of temporary injunction against the defendant restraining him from creating obstruction in the peaceful possession of the plaintiff, forcefully dispossessing the plaintiffs from the suit property as well as from changing the nature and character and raising any boundary wall in respect of the Ka and Kha schedule suit property.

Ld. Advocate for the defendants stated that the order of ad interim injunction passed in the form of status quo should be made absolute till the disposal of the suit as he has no objection and as such gave the consent.

Heard. Considered.

After perusal of the record it is seen that the plaintiff has able to prove his right, title, interest over the Ka schedule suit property on the basis of the registered deed being No. 1758/2021.

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, possession 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 defendant are hereby directed to maintain status quo with regard to nature, character, possession and activities as on this day in respect of the Ka and Kha schedule suit property till the disposal of the suit.

To **13.03.2026** for framing of issues.

D/c by me

CJ

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