

Title Suit No. 124 of 2022

Order No.15 dated 31.07.2024

Today is fixed for passing order in respect 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.

Ld. Advocate of the plaintiff submitted that the property described in the schedule of the plaint is the subject matter of the present suit in which the plaintiff has acquired right, title and interest on the strength of registered deed No. 4820 of 1990. Ld. Advocate further submitted that the share of the plaintiff in the suit property has been duly recorded under L.R. khatian Nos. 1853, 1963, 1964, 1965, 1966 & 1967. Ld. Advocate further submitted that the cause of action behind the filing of this suit arose on 10.08.2022 when the defendants tried to forcibly dispossess the plaintiff from the suit property. Ld. Advocate of the plaintiff contended that for the said reason the plaintiff has been compelled to file the present suit against the defendants in order to protect their right, title and interest in the suit property.

Ld. Advocate for the defendants raised vehement objection stating that the plaintiff has no right, title and interest over the schedule suit property. Some co-sharers are not made party to the suit. The defendant No. 2 is in possession of the suit property. Hence the petition is liable to be rejected.

Heard. Considered.

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, it is found out that both the parties are claiming their title through the deeds. From the documents it is crystal clear that both the parties have right, title and interest over the schedule suit property. So when both the parties have the interest in the schedule suit property, it needs to be protected at this stage of the suit. As such 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 **16.08.2024** for framing of issues.

D/c by me

CJ

Civil Judge (Jr Divn)

Amta, Howrah