

**Title Suit No.164 of 2023**

**Order No.10 dated 12.12.2025**

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

Plaintiff filed hazira.

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

Heard the Ld. Advocate of the plaintiffs who submitted that the Ka schedule suit property is a debottor property. The property was mutually partitioned by metes and bounds about 80 years ago by the predecessor in interest of the plaintiffs and the defendants. On the basis of such partition the predecessor in interest of the plaintiff Nirodh Samanta exclusively got the Ka schedule property. His name was recorded in the record of rights and finally published. The plaintiff No. 1 is residing since 30 years on the suit property by making one room over there. On the Southern side of the Ka schedule suit property the property of the defendant being dag NO. 454 is situated. They have encroached some portion of the Ka schedule suit property by raising construction thereon which is mentioned as Kha schedule property. They have no right to encroach any portion of the Ka schedule suit property. They have also threatened the plaintiff with dire consequences. He, therefore, prayed for an order of temporary injunction against defendant s restraining them from dispossessing the plaintiffs, raising any construction, obstruction in the peaceful possession of the plaintiffs, changing the nature and character in respect of the Ka and Kha schedule suit property.

Heard. Considered.

From the documents it is clear that the plaintiff has able to prove his right, title, interest and possession of the Ka schedule suit property.

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.

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 plaintiffs and the defendants are hereby directed to maintain status quo in the respect of the schedule suit property till the disposal of the suit.

To **13.03.2026** for ex parte hearing of the suit.

**D/c by me**

**CJ**

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