

T.S. 685 of 2022
CNR No. WBSP0E000 947 2022

later,

Order No.01, Dated 30.09.2022

Now the record is taken up for on considering prayer of ad interim injunction as Ld. Counsel for the plaintiff pleads urgency.

The said petition is moved.

This is a suit for declaration and permanent injunction.

No caveat is pending as per report of the Sheristadar.

It is, inter alia, stated by the plaintiff that the schedule suit property was previously the property of Bijay Krishna Mondal who executed a settlement deed being no. 4956/1975, in favour of his wife and his three sons. In view of that settlement deed, the plaintiff as being one of the son got the A schedule suit property. Subsequently, the father of the plaintiff unlawfully and without informing him revoked the settlement deed and sold out the properties to the defendants by virtue of several deeds of sale. The defendants are not entitled to any title or possession as the aforesaid deeds are void. However, on the basis of the B schedule impugned deeds, the defendants are disturbing the peaceful possession of the plaintiff and trying to enter into the A schedule property forcefully. As such, the cause of action arose and having no other alternative the plaintiff has come up before this court and has instituted this case and now praying for ad interim injunction against the defendants.

Hd. Ld. Counsel appearing on behalf of the plaintiff.

Perused the petition U/O XXXIX R(1) & (2) read with Sec 151 of CPC, supported by an Affidavit, along with the relevant documents, which had been filed by the plaintiff, in support of his contention.

Considering the above facts and circumstances, and on perusal of the documents and the plaint, it appears that the plaintiff has a prima facie case to go for trial. The plaintiff has filed the certified copy of the deed of settlement being no. 4956/1975, plot information and xerox and certified copies of some of the B schedule impugned deeds, in support of his prima facie case, title and dispute. Whether the B schedule deeds are valid or not is matter of adjudication. However, if time is consumed in serving the notices to the defendants and in the meantime, the suit property is not preserved then the whole trial might become infructuous and the plaintiff may also suffer irreparable loss and injury which may not be compensated later on.

Issue notices upon the defendants, calling upon them to show-cause within fifteen days from the date of receipt of this order as to why temporary injunction shall not be granted as per prayer of the plaintiff.

Hence, it is

Ordered

that the ad-interim prayer of the plaintiff is considered and allowed ex parte without any order as to costs considering the pleading of urgency.

That **both the plaintiff and the defendants are directed to maintain status quo with regard to the nature, character and possession of the A schedule suit property, as it stands today, till 05.01.2023.**

Plaintiff to comply the provision U/O 39 R3(a) and 3(b) at once.

To date.

D/C by

sd/-

SUNITA SAHA
Civil Judge (Jr. Divn.), 2nd Court
Baruipur, South 24-Parganas
J.O. No.WB01333

sd/-

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Civil Judge (Jr. Divn.), 2nd Court
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