

T.S. 571 of 2022
(C.N.R. no. WBWM02-000806-2022)
(I.A. no. 01/2022)

Order no. 02 dated 01/11/2022:

The record is put up today on the prayer of the plaintiffs who pray for moving the petition U/o 39 R 1 & 2 of CPC for ad-interim order citing urgency. Let the said petition be registered as I.A. no. 01/2022 of this suit.

No caveat has been filed as per the report of the Sherestadar.

Considering the urgency of the matter, the petition is taken up for hearing.

The plaintiff's case, is that the suit properties as described in the schedule A of the instant petition originally belonged to one Chintamani Dasi Adhikary. The said Chintamani Dasi Adhikary sold 13 decimals of land from her property, which is more particularly described in Schedule A of the instant petition, to the plaintiff and his brother Shaktipada Maity. Thereafter, Shaktipada Maity sold 3 decimals of land from Schedule A property to the defendant nos. 1 and 2. The defendant no. 3 is the other co sharer of the suit property. Thus, the plaintiff and the defendants are the joint owners of the suit property at present. But now the defendants are trying to change the nature and character of the suit property and also trying to sale the same to the third party without the consent of the plaintiff. Hence, the plaintiff has filed the instant petition.

Perused the petition and the documents filed therewith.

Heard Ld. Advocate for the plaintiffs.

On perusal of the Records of Rights, deed nos. 3005 of 1999 and 101506765 of 2022 and other documents, I have no hesitation to hold at this stage that the plaintiff is the co-sharer of the suit property along with the defendants. Accordingly, I think that the plaintiff is entitled to protect his possession and interest in the suit property. Hence, I find that the plaintiff has good prima facie case on his behalf at this stage. I also think that if the defendants change the nature and character of the suit property and also sale the suit property to the plaintiff without the consent of the plaintiff, then the plaintiff will suffer from greater inconvenience than the defendants. Therefore, the balance of convenience is in favour of the plaintiff at this stage. I further think that if the defendants are not restrained at this stage, then the plaintiff will suffer from irreparable loss and injury. Considering the facts and circumstances of the case, I think that the ends of justice shall be served if both the parties are directed to maintain status-quo regarding the nature, character and possession of the suit property as on date.

Hence, it is,

O R D E R E D

that both the parties are directed to maintain status-quo regarding the nature, character and possession of the suit property as on date, till 14/11/2022.

The plaintiffs are directed to comply the provisions of Order 39 R 3a & 3b & submit the Affidavit of service latest by 03/11/2022 (02/11/2022 being declared as holiday).

To **14/11/2022** for S/R and appearance of the defendant and showing cause as to why the ad-interim order shall not be made absolute till the disposal of the suit.

D/C

Civil Judge (Senior Division),
1st Court, Sadar,
Paschim Medinipur.
(J.O. Code WB00816)

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