

T.S. 702 of 2022
CNR No. WBSP0E000 9822022
J.O. No. WB01333

Order No.02, Dated 09.11.2022

Record is put up today on the prayer of the plaintiffs for considering prayer of ad interim injunction as Ld. Counsel for the plaintiffs 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 plaintiffs that the schedule suit property was previously the property of the father of the plaintiffs namely Kalosashi Sardar. After his demise, the plaintiffs inherited the same and duly recorded their names under LR khatians being 2550, 2548, 2547 and 2549. The defendants are adjacent plot holders and had no right, title and interest in respect of the suit property, in spite of that they are disturbing the peaceful possession of the plaintiffs and trying to take forcible possession so as to make construction therein. As such, the cause of action arose and having no other alternative the plaintiffs 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 plaintiffs.

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 plaintiffs, in support of his contention.

Considering the above facts and circumstances, and on perusal of the documents and the plaint, it appears that the plaintiffs have a prima facie case to go for trial. The plaintiffs have filed computer generated copies of LRRORs in respect of khatian nos. 2550, 2548, 2547 and 2549 along with receipt copy of GDE in support of their prima case and possession. As no plot information slip has been filed so the status of the defendants as being that of strangers cannot be presumed at this stage. However, if time is consumed in serving the notices to the defendants and in the meantime, the nature and character of the schedule property is changed then the whole trial might become infructuous and the plaintiffs 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 plaintiffs.

Hence, it is

Ordered

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

That **both the plaintiffs and the defendants are directed to maintain status quo with regard to the nature, character and possession of the schedule suit property as it stands today till 16.01.2023 .**

Plaintiffs 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

sd/-

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