

Order No.02 / Dated:- 05.02.2020.

The Plaintiff moves the petition under O-39 R 1&2 read with Sec-151 CPC.

Heard Ld. Advocate for the Plaintiff.

Issue notice upon the Defendants directing them to show-cause within 15 days of receiving the same as to why the Plaintiff's prayer for temporary injunction shall not be granted.

The Plaintiff's case is that Gopinath Mondal was the owner of the suit property and he transferred 0.75 dec to the Plaintiff vide registered Sale Deed dtd. 13.11.2019 and delivered possession. Rabiya Bibi and Panchanan Mondal were the another owners of the suit property and the Plaintiff purchased 1 ½ dec land from them by Sale Deed dtd. 06.07.2005. Thus, the Plaintiff has 2.25 dec land in the suit property and the rest belongs to the Defendants. The Plaintiff has grocery shop in the suit property and he runs the same. The suit property is ejmali property and the parties are co-sharers. Now the Defendants are trying to raise new construction over the suit property exceeding their share and also purchased building materials for the same. When the Plaintiff asked for amicable partition of the suit property, the Defendants refused. If the Defendants are successful in their efforts the Plaintiff will suffer irreparable loss and injury. Accordingly, the Plaintiff has prayed for passing an order of ad-interim injunction against the Defendants.

Perused the Deeds by which the Plaintiff acquired the suit property. This is a suit for partition. The Plaintiff stated that the Defendants are trying to raise new construction over the suit property exceeding their share and also purchased building materials for the same. Considering the above aspects, I think that the Plaintiff has a prima facie case and will suffer irreparable loss and injury if the Defendants are successful in their efforts. There is a necessity to preserve the suit property and urgency or else multiplicity suits will arise.

Hence, it is,

ORDERED

that the Plaintiff and the Defendants are directed to maintain status quo in respect of the nature, character and possession over the suit property till 04.03.2020.

The Plaintiff is directed to comply with the provisions laid down under O-39 R 3(a) and (b) CPC at once.

Dictated & Corrected by me.

C.J (Sr. Divn.), Lalbagh,Msd.

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