

TITLE SUIT – 268 OF 2026
PRESENT BEFORE : AMRITA DEY
JO CODE : WB01380

Order no. 02 Dated :16.06.2026

The record is taken up by way of put up for hearing of an application of ad interim injunction under order 39 rule 1 & 2 of Civil Procedure Code supported by an affidavit filed by the plaintiff today.

It appears from the endorsement made by the sheristadar, that no caveat has been lodged in respect of the suit property or by the parties involved in this suit. Issue notice upon the defendants asking them to show cause ***within 10 days*** from the date of receipt of the same as to why the prayer for temporary injunction shall not be granted against them as sought for by the plaintiff.

Accordingly, the application for ad interim injunction is taken up for hearing.
Perused the plaint, application for ad interim injunction, affidavit and other documents filed by the plaintiff in support of their contention.

The plaintiff case in a nutshell is that, the property as mentioned in the schedule of the plaint (hereinafter referred to as suit property) belongs to Kapil Prasad Bhakat and Basudev Bhakat, they sold the suit property by executing deeds in favour of plaintiff no. 1 who gifted some portion of the suit plot in favour of plaintiffs nos. 2 to 4, but suddenly on and from 25/05/2026 by taking advantage of an erroneous ROR defendants have been trying to dispossess the plaintiffs from the suit property, which compelled them to file this suit.

Ld. Counsel on behalf of the plaintiff submitted that, the defendants are strangers in respect of the suit property and they have had no right or possession over the suit property but the defendants have been trying to dispossess the plaintiff from the suit property. Ld. Counsel concluded his submission with a prayer that, the court may be pleased to pass an order against the defendants to protect the right & possession of the plaintiff.

Having heard the submission of the Ld. Advocate for the plaintiff and after going through the documents filed by the plaintiff, it appears that, **Firstly**, the plaintiffs have got the possession and ownership of the suit property on the strength of registered deeds. **Secondly**, at this stage the Court has to taken into consideration the possession of the plaintiff over the suit property. **Thirdly**, without taking proper evidence, the allegation as alleged by the plaintiff can not be over looked at this stage. Therefore, on the basis of the above observation the plaintiff has been able to show a prima facie case in his favour at this stage. So, on the basis of the above mentioned grounds if the defendants be allowed to continue with his acts over the suit property, then the peaceful possession of the plaintiff over the same will hamper, resulting in irreparable loss and injury will cause to the plaintiff. The balance of convenience is also in favour of the plaintiff as he has shown the possession over the suit property. In such circumstances, I do find it justified to pass the following order.

Hence, it is

ORDERED

That the prayer for ad-interim injunction stands allowed ex-parte against the defendants.

That both the parties (plaintiff and defendants) are hereby directed to maintain status quo in respect of the schedule property as mentioned in the schedule as on this date till 16.07.2026.

**plaintiff to comply with the provisions of order 39 Rule 3 (a) & (b) of C.P.C., at once.
To 16.07.2026 for S/R and A/D.**

D/C by me

Sd-/ Amrita Dey
Civil Judge (Jr. Div)
Lalbagh Msd.

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Civil Judge (Jr Div)
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