

Partition Suit No. 415 of 2014

Order No. 14 dated 03/12/2024.

Today is fixed for hearing of temporary injunction petition dt.04.07.2024 filed by the defendants along with the mandatory injunction petition dt.14.02.2019 filed by the Plaintiffs.

Both the parties are present by filing respective hazirah.

Heard learned Advocate Sri Arun Kr. Ghosh for the Plaintiffs and Sri Ujjal Bose for the defendants.

Learned Advocate Sri Bose submitted that there is an order of temporary injunction passed on the basis of the application of the Plaintiffs directing both the parties to maintain status-quo in the suit property till its disposal but inspite thereof the Plaintiff is now trying to alienate the suit property in favour of 3rd parties which necessitate to pass an appropriate order restraining the Plaintiff to abide by the order of temporary injunction.

Regarding mandatory injunction petition learned Advocate Sri Ghosh submitted that they have filed the same praying for demolition of the construction made by the defendants in the suit property after passing the order of temporary injunction.

In order to bring the current condition of the suit property into the notice of the Court, the Plaintiff has filed the prayer of local inspection along with the mandatory injunction petition and on the basis of said prayer local inspection commission was appointed to visit the suit property and report as per the points given by the Plaintiff.

However, on perusal of the Advocate Commissioner's report dt.13.02.2019 filed by Advocate Commissioner Md. Asma Tuhin it appears to me that in his report the Advocate Commissioner has clearly reported that there is no new construction going on in the suit property or there is any existing construction.

Accordingly, considering the above circumstances I find no reason to allow the prayer for mandatory injunction and the same is accordingly considered and rejected.

Defendants' prayer for temporary injunction is considered and allowed and in modification of the earlier order dt.14.11.2014 read with order dt.13.06.2018 it is hereby ordered that both the parties to the suit are directed to maintain status-quo in the suit property in respect of its nature, character and possession and not to alienate the same in any manner, till disposal of the present suit.

Fixed **06.01.2025** for framing of issues and further order.

D & C by me
CJSD, Lalbagh

Sd/- Gourab Ghosh,
Civil Judge (Senior Division)
Lalbagh, Murshidabad, W.B
J.O.Code: WB01100.