

P.S. 27 of 2022
CNR No. WBMD06-000027-2022

Order No. 02 / Dated:- 10.01.2022.

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 Principal 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.

As per endorsement of Sheristadar, no caveat is pending.

The Plaintiff's case is that Ikbal Hossain was the owner in the suit property and he transferred 6 dec to Ohid Hossain Khan by registered Sale Deed dtd. 17.10.1996 and delivered possession. The name of Ohid Hossain Khan is recorded in LRROR and he transferred 3.3 dec to the Plaintiff and 2.7 dec to the Defendant No. 7 by registered Heba Deed and delivered possession. Thus, the Plaintiff has 3.3 dec land in the suit property and the rest property belongs to the Principal Defendants. The suit property is an ejmali property and the parties are co-sharers. Now the Principal Defendants are threatening to dispossess the Plaintiff and threatening to raise new construction over the best portion of the suit property on more than their share and also threatening to transfer the suit property. If the Principal 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 Principal Defendants.

Perused the Deeds by which the Plaintiff acquired share in the suit property, LRROR and Rent Receipts. This is a suit for partition of ejmali property and the Plaintiff prima facie appears to be a co sharer. It is alleged by the Plaintiff that the Principal Defendants are threatening to dispossess the Plaintiff and threatening to raise new construction over the best portion of the suit property on more than their share and threatening to transfer the suit property. Considering the above aspects, this court is of the view that the Plaintiff has prima facie case and will suffer irreparable loss and injury if the Principal Defendants are successful in their efforts. There is a necessity and urgency to preserve the suit property or else multiplicity of suits will arise.

Hence, it is,

ORDERED

that the Plaintiff and the Principal Defendants are directed to maintain status quo in respect of the nature, character and possession over the suit property till 17.03.2022.

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.
J.O. Code – WB1116.

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