

P.S. 533 of 2022
CNR No. WBMD06-000841-2022

Order No. 02 / Dated:- 12.08.2022.

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

Heard Ld. Advocate for the Plaintiffs.

Issue notice upon the Principal Defendant Nos. 1-3 directing them to show-cause within 15 days of receiving the same as to why the Plaintiffs' prayer for temporary injunction shall not be granted.

As per endorsement of Sheristadar, no caveat is pending.

The Plaintiffs' case is that Samsuddin Mondal had share in the suit property and his name was recorded in RSROR and he died leaving behind Plaintiff Nos. 4-8 and Masadul Sk. as his legal heirs and successors. Masadul Sk. died leaving behind Defendant Nos. 1-3 as his legal heirs and successors. The suit property is an ejmali property and the parties are co-sharers. Now the Principal Defendant Nos. 1-3 are threatening to dispossess the Plaintiffs and are also threatening to raise new construction over the best portion of the suit property exceeding their share and are also trying to transfer the suit property. When the Plaintiffs asked for amicable partition of the suit property, the Principal Defendant Nos. 1-3 refused. If the Principal Defendant Nos. 1-3 are successful in their efforts, the Plaintiffs will suffer irreparable loss and injury. Accordingly, the Plaintiffs have prayed for passing an order of ad-interim injunction against the Principal Defendant Nos. 1-3.

Perused the pleadings, documents and other materials on record.

Nothing prima-facie has come before this court to show that the Plaintiffs or their predecessor-in-interest i.e. Patu Sk. has any right, title and interest over the suit property.

In these circumstances, this court does not find it proper to pass any ad interim injunction order at this stage without giving scope of hearing to the other side.

Hence, it is,

ORDERED

that the prayer for ad interim order of temporary injunction is refused.

Dictated & Corrected by me.

C.J (Sr. Divn.), Lalbagh, Msd.
J.O. Code – WB1116.

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