

P.S. 212 of 2022  
CNR No. WBMD06-000316-2022

Order No. 02 / Dated:- 02.04.2022.

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 Defendants 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 the Plaintiffs are day labourer and very poor persons and they acquired 5 dec of the suit property by Patta from Government of West Bengal vide Serial No. 20 of case No. 5/NG.N.B./2012-13. The name of the Plaintiffs are recorded in LRROR. Thus, the Plaintiffs together have 5 dec land in the suit property and the rest property Principal Defendant Nos. 1 & 2. The Principal Defendant Nos. 3 & 4 have no title over the suit property but as they claimed that they executed one Bainanama to purchased the suit property from Defendant Nos. 1 & 2, they have been made party in this suit. The suit property is an ejmali property and the parties are co-sharers. Now the Principal Defendant Nos. 1 & 2 are trying to raise new construction over the best portion of the suit property on more than their share and Principal Defendant Nos. 2 & 3 are trying to transfer the suit property third party illegally. If the Principal Defendants 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 Defendants.

Perused the photocopies of documents. It prima facie appears that the Plaintiffs have title over the suit property by way of patta. It also prima facie appears that the suit property is unpartitioned. As such, it appears to this court that the Plaintiffs have strong prima facie case to proceed with. However, it appears to this court that if the possession and nature and character of the suit property is not protected at this stage, it will cause irreparable loss and injury to the Plaintiffs and will also lead to multiplicity of proceedings. Hence, this court finds it urgent to protect the suit property at this ad interim stage.

Hence, it is,

**ORDERED**

that the Plaintiffs and the Principal Defendants are directed to maintain status quo in respect of the nature, character and possession over the suit property and also not to transfer the suit property till 27.06.2022.

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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