

P.S. 403 of 2021
CNR No. WBMD060004752021

Order No. 03 / Dated:- 17.11.2021.

Record is put up today on prayer of Plaintiffs. Plaintiffs file amended Plaint and Temporary Injunction Petition. Let it be kept with record.

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 Gour Majumdar, Rasamay Majumdar, Bipul Majumdar, Rekha Majumdar, Debirani Majumdar & Reba Sarkar were the owners of the suit property and their names have been recorded in LRROR. Thereafter, they executed one Power of Attorney in favour of Netai Majumdar. Gour Majumdar and others transferred 33 dec to the Plaintiffs by registered Sale Deed dtd. 24.03.2011 and delivered possession. Thus, the Plaintiffs have 33 dec land in the suit property and are in ejmal possession by cultivating the same. The name of the Plaintiffs have been recorded in LRROR. 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 Plaintiffs and are 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 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 original Deed of the Plaintiffs as well as the LRROR in his name in respect of the suit plot. This is a suit for partition of ejmali property. The Plaintiffs prima facie appears to be a co sharer and stated on affidavit that the Principal Defendants are threatening to dispossess the Plaintiffs and are 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. Considering the above aspects, I think that the Plaintiffs have 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 suits will arise. 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 till 11.01.2022.

The Plaintiffs are 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 – WB00832.

C.J (Sr. Divn.), Lalbagh,Msd.