

P.S. 422 of 2021
CNR No. WBMD060004942021

Order No. 02 / Dated:-08.11.2021.

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 Majad Hossain was the owner in his share in the suit property and on his death, it devolved upon his wife i.e. Suratan Bewa and Jarman SK., Khayer Sk., Helaluddin, Delsad Sk., Golam Mustafa, Abidan Bibi, Manuara Bibi, Anjesa Bibi & Mehebuba Bibi. On death of Jarman Sk., his share devolved upon the Plaintiffs. Abidan Bibi & Annesa Bibi transferred their share to Plaintiff No. 2 by registered Sale Deed dtd. 02.06.1995. Suratan Bewa transferred her share to Plaintiff No. 1 by registered Hebanama Deed dtd. 27.07.1996. Thus, the Plaintiffs together have 4 dec land in the suit property and their names 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 Deeds of 1995 & 1992. It is submitted by Ld. Advocate that the Deed dtd. 27.07.1996 has mentioned in the Plaint has been inadvertently written instead and in place of 27.07.1992. Also perused the LR in name of the Plaintiffs in respect of the suit plots. 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 03.01.2022.

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.

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