

Today is fixed for hearing of plaintiffs' prayer for an ad interim injunction. Plaintiffs filed Hazirah and an amended plaint.

As per endorsement of Sheristadar, no caveat is pending.

Accordingly, the record is taken up for hearing of plaintiff's prayer for ad interim injunction.

Heard Learned Advocate Latifa Khatun appearing for the Plaintiffs.

The Plaintiffs' case in brief, as appears from the submission of their learned advocate as well as from their pleadings, is that, the 36.5 decimals of the suit property belonged to the mother of plaintiff no. 1,2 and *defendant* no. 1 to 3 namely Sonapati Hansda (since deceased) who purchased the same from its previous owners namely Jitendra Kumar Ghosh and 08 others vide a registered deed of sale being no. 4100 for the year 1990 and recorded the same in her name under LR Khatian no. 1191.

That after demise of said Senapati Hansda leaving behind three sons (P1 and D1 and 2), two daughters (P2 and D3) and her husband namely Bagte Kisku (P3), her said 36.5 decimals devolved upon his said six legal heirs with equal share and the plaintiffs jointly received 18.25 decimals of land in the suit property.

That the suit property has never been partitioned amongst the legal heirs of said Sonapati Hansda and its other co-sharers by metes and bounds by any registered instrument of partition or by the decree of any Court and the parties to the suit are possessing the same in 'Eajmal'.

That the cause of action to file the suit arose to the plaintiffs on 25.05.2024 when the principal defendant no. 1 to 3 turned down the plaintiffs' request to make partition of the suit property and showed them the door of the court and also threatened to change the nature and character of the suit property which forced the plaintiffs to file the present suit for partition.

The learned advocate for the plaintiffs contended that the said defendants are very desperate in nature and unless they are immediately prevented by an order of ad-interim injunction, there is every apprehension that they may change the nature and character of the suit property in which case the plaintiffs' will highly be prejudiced which can't be compensated in terms of money.

In support of his prayer the plaintiffs have filed the following documents:-

1. Original Sale Deed being no. 4100 for the year 1990.
2. Plot information dated 03.06.2024 in respect of the suit plot.

Perused the above documents. **Considered.**

Considering the case as pleaded by the plaintiffs and the contents of the documents relied by them, I am of the considered opinion that there is prima facie case in favour of the plaintiffs which may go into trial and the balance of convenience and inconvenience is also found tilted in favour of their case and it is a fit case to pass an ad interim order directing both the parties to maintain **status quo** in the suit property.

Accordingly, the prayer for an ad-interim order of injunction as prayed by the plaintiffs is considered and allowed, in the form of status quo.

Hence the plaintiffs as well as *defendant* no. 1 to 3 are directed to maintain status quo over the suit property regarding its nature, character and possession (as on date), **till the next date.**

Issue notice upon the Defendant no. 1 to 3 directing them to file show-cause within 15 days of receiving the same, as to why the Plaintiffs' prayer for temporary injunction shall not be allowed.

Fix 01.08.2024 for awaiting SR of injunction notice and further order.

The Plaintiffs are directed to comply with the provisions of Order 39 Rule 3(a) and (b) of the Civil Procedure Code, at once.

Original documents may be returned to the plaintiff, on usual undertaking to refile the same, if called for.

D/C by me

Sd/- Gourab Ghosh

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C.J.S.D, Lalbagh

Civil Judge (Senior Division)
Lalbagh, Murshidabad, W.B