

**Partition Suit No. 700 of 2024**

**Order No. 05 dated 16/12/2024.**

Today is fixed for hearing of Plaintiff's temporary injunction petition.

Plaintiff is present by filing Hazirah but inspite of fixing of this day in presence of learned Advocate for the caveator-cum-defendant no.1, none appeared for said defendant.

Accordingly, the record is taken up for hearing of Plaintiff's temporary injunction petition.

Heard learned Advocate for the Plaintiff. Perused the documents relied by them.

It prima facie appears that Plaintiffs have half share in the suit property and the same stand in eajmal between the parties to the suit.

The allegation of the Plaintiffs is that now the defendants are trying to change the nature and character of the eajmal suit property for which the Plaintiffs had requested them to make partition of the same to which they paid no heed and their said reluctance germinated the instant suit.

Considering the above facts and circumstances, in the light of the documents filed by the Plaintiffs, I am also of the opinion that the Plaintiffs have prima facie case and the balance of convenience and inconvenience also lies in their favour. Moreover, the conduct of defendant no.1 who inspite of due service does not turn up to contest the present injunction petition, I am of the clear view that perhaps the defendant no.1 has nothing to say against Plaintiffs' prayer for injunction.

Under such circumstances, the Plaintiffs' prayer for injunction is allowed in the ad-interim form.

Both the parties to the suit are accordingly directed to maintain status-quo in the suit property regarding its Nature, character and existing possession, till next date.

Issue notice upon the rest defendants asking them to file show-cause as to why the Plaintiffs' prayer for temporary injunction shall not be allowed.

Plaintiff is directed to comply the provision of Order 39 Rule 3 (a) and (b) of Civil Procedure Code in respect of the rest defendants.

Fixed **29.01.2025** for SR of injunction notice.

**D & C by me  
CJSD, Lalbagh**

**Sd/- Gourab Ghosh,  
Civil Judge (Senior Division)  
Lalbagh, Murshidabad, W.B  
J.O.Code: WB01100.**