

P.S. 113 of 2022
CNR No. WBMD06-000121-2022

Order No. 02 / Dated:- 21.02.2022.

The Plaintiff moves the petition under O-39 R 1&2 read with Sec-151 CPC.

Heard Ld. Advocate for the Plaintiff.

Issue notice upon the Defendant Nos. 1 & 2 directing them to show-cause within 15 days of receiving the same as to why the Plaintiff's prayer for temporary injunction shall not be granted.

As per endorsement of Sheristadar, no caveat is pending.

The Plaintiff's case is that Ahera Bibi @ Anura Bewa had share in the suit property and she transferred her share to the Plaintiff and Defendant Nos. 1 & 2 by registered Hebanama Deed No. 6592 dtd. 10.10.2001 and delivered possession. Thus, the Plaintiff has 07 dec and 05 dec of suit plot nos. 355 & 318 respectively. The suit property is an ejmali property and the parties are co-sharers. Now the Defendant Nos. 1 & 2 are trying to raise new construction over the best portion of the suit property and also trying to transfer the suit property. If the Defendant Nos. 1 & 2 are successful in their efforts, the Plaintiff will suffer irreparable loss and injury. Accordingly, the Plaintiff has prayed for passing an order of ad-interim injunction against the Defendant Nos. 1 & 2.

Perused the Deed and Plot Information. This is a suit for partition of ejmali property and the Plaintiff prima facie appears to be a co sharer. It is alleged by the Plaintiff that the Defendant Nos. 1 & 2 are trying to raise new construction over the best portion of the suit property and also trying to transfer the suit property. Considering the above aspects, this court is of the view that the Plaintiff has prima facie case and will suffer irreparable loss and injury if the Defendant Nos. 1 & 2 are successful in their efforts. There is a necessity and urgency to preserve the suit property or else multiplicity of suits will arise.

Hence, it is,

ORDERED

that the Plaintiff and the Defendant Nos. 1 & 2 are directed to maintain status quo in respect of the nature, character and possession over the suit property till 28.04.2022.

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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