

JO Code: WB01100

Order No. 3 dated 24/04/2024

Today is fixed for hearing of plaintiffs' prayer for an ad interim injunction.

It appears from the note given by the Sheristadar that no caveat is pending against the subject matter of the present suit.

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

Heard Learned Advocate Sri Swadhin Kundu appearing for the plaintiffs.

The plaintiffs' case in brief, as appears from the submission of his advocate as well as from his pleadings, is that, the suit property previously belonged to Baidyanath Mal @ Pradhan, Raghunath Mal @ Pradhan and Jagannath Mal @ Pradhan with 1/3rd share each and it was accordingly recorded in RSRoR that after demise of Raghunath Pradhan leaving behind one son and two daughters who are the plaintiffs to the suit they have inherited the 1/3 share of their father lying in the suit property.

That after demise of Jagannath Pradhan his 1/3rd share was inherited by defendant no. 1 and similarly after demise of Baidyanath Mal @ Pradhan his 1/3 share devolved upon defendant no. 2 to 4.

That according to the plaintiffs the suit property has never been partitioned amongst its 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 09.04.2024 when the defendants threatened the plaintiffs to dispossess them from the suit property and also unilaterally attempted the work for raising pucca construction over the suit land by taking away its front side most valuable lands and also covering more land then their legitimate share.

That the plaintiffs raised several objection to their said illegal as well as unilateral act and also requested them to do any such thing after making partition of their respective share but said defendants paid no heed to their request and practically showed them the door of the Court, which left the plaintiffs with no other option left except to file the instant suit.

The learned advocate for the plaintiffs contended that the 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 dispossess the plaintiffs from the suit land or may change its nature and character, 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 original/copies of the following documents:-

SI No.	Brief description of the Documents relied by the plaintiffs	Whether original or Copy
1	RSRoR pertaining to khatian no. 208 and 388, both of Mouza- Charnak.	Copy
2	Plot information receipt (live data as on 24.04.2024)	Printout

Perused the above documents. **Considered.**

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Partition Suit No. 253 of 2024

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Considering the case of the plaintiff as revealed from the submission of their learned advocate as well as from their documents, I do not find sufficiently strong merit as well as adequate urgency in the plaintiff's case which may justify passing of an ad interim order of injunction without granting the defendants the reasonably opportunity of being heard.

Accordingly I do not inclined to consider the plaintiff's prayer for an ad-interim injunction and the same is accordingly refused at this stage.

Issue notice upon the Defendants asking them to file show-cause within 15 days of receiving the same as to why the plaintiff' prayer for temporary injunction shall not be allowed.

Fixed 24.06.2024 for awaiting S/R and appearance of all the defendants in respect of the injunction matter.

Sd/- Gourab Ghosh
Civil Judge (Senior Division), Lalbagh