

In The Court of Civil Judge (Junior Division) Court, Lalbagh.

Title Suit 23 of 2020

Present: Afshan Nawaz Warsi.

Civil judge(Jr. Div), Lalbagh.

Order No. 02 dt. 17/01/2019

Today is fixed for hearing of the petition preferred under Order XXXIX rule 1 & 2 read with section 151 CPC as filed earlier while preferring this suit.

As per office report it appears that there is no caveat pending in relating to the dispute within statutory period.

I have heard the Ld advocate on behalf of the Petitioners.

The brief fact of the Petitioners' case is that Yasin Sk and Korban Sk were originally the owner and possessor of the suit property. Thereafter Kenejban Bibi by way of a registered became owner of 39 decimals of land belong to her husband Yasin Sk. That on 21/09/1992 the said Kenejban Bewa by way of a registered hebanama gifted the said 39 decimals of land to his two sons i.e. petitioner no.1 and 2. The rest 17 decimals of land out of total 56 decimals of land was inherited after the death of Korban Sk by his five sons i.e. the proforma opposite party no.6 to 10. At present the LRROR in respect of 39 decimals of land have been recorded in LR Khatian No.813 and 817 in respect of the petitioner no.1 and 2 pertaining to 19.5 decimals of land each. The petitioners contended that they have been using the said plot of land for the purpose of cultivation and that on 07/12/2019 the opposite party no.1 to 5 obstructed the petitioners to cultivate the land and threatened them to illegally dispossess them.

To substantiate their claim the Petitioners have produced the photocopy of the registered hebanama bearing no.2522/92 and the LRROR and one information of LR plot no.902 which has been mentioned as the suit plot before this Court.

Considering the nature of allegations put against the principal OPs and by considering the nature of the claim preferred by the Petitioners this Court is not inclined to consider the prayer of the Petitioners in a favourable manner at this stage. So the prayer is refused.

Issue notice upon principal OPs to show cause within fifteen (15) days from the service of notice thereof as to why the court will not take up the temporary injunction petition ex parte. The Petitioners is directed to take steps at once.

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Issue notice.

To date **(16/09/2020)** for hearing of injunction petition if SR and AD be received meanwhile as proper service.

D/C by me.

Sd/-

**Civil Judge (Junior Division),
Lalbagh**

Sd/-

**Civil Judge (Junior Division),
Lalbagh**