

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

Title Suit 1 of 2017

CNR No.WBMD07-000006-2017

Presided Over by : Afshan Nawaz Warsi (J.O. Code : WB1432)

Civil Judge(Jr. Div), Lalbagh.

Order No. 17, Dated 15/03/2022

Today is fixed for hearing of the petition preferred by the Plaintiffs under Order XXXIX Rule 1 and 2 of C.P.C read with Section 151 of C.P.C.

Plaintiffs file hazira.

No step is taken by the defendant. As such the suit has proceeded ex parte against the defendant.

Heard the Ld. Advocate on behalf of the plaintiffs.

Perused the petition and other materials available on record.

On hearing it appears that the plaintiffs have preferred the instant suit on the contention that the suit property is an undivided ancestral dwelling house. The plaintiffs have alleged that the other co-sharer of the house have transferred some portion of the suit property in favour of the defendants without informing them. Presently, the defendants are trying to enter into the property and thereby destroy the integrity of the plaintiff's dwelling house. On further perusal of the record it appears that in the year 1984 one of the co-sharers had already transferred some portion of the suit property in favour of the predecessor of the defendants. Again in the year 2016 the defendants have purchased some properties in the suit plot. In view of the above observation it palpably appears to this Court that the plaintiffs have failed to prove before this Court that the defendants are stranger purchasers and that they are trying to destroy the integrity of the family dwelling house.

Hence, it is,

ORDERED

that the petition under Order XXXIX Rule 1 and 2 read with Section 151 of C.P.C. is heard, considered and rejected ex parte.

Fix **13/07/2022** for ex parte hearing.

D/C by me.

Sd/- A. N. Warsi

Civil Judge (Junior Division)
Lalbagh, Murshidabad

Sd/- A. N. Warsi

Civil Judge (Junior Division),
Lalbagh, Murshidabad