

25

16/05/2015

Today the date is fixed for evidence of Pws i/d N/O.

Ld. advocate for the defendant is present.

On the other hand one petition along with fresh vokalatnama has been filed on behalf of plaintiff. Copy served.

Another petition filed on behalf of plaintiff praying for shifting the case record from P. Board. Perused the petition and c/r. Several dates are given to the plaintiff to produce its witness but plaintiff failed to present any witness and after elapsing about two years from the date of commencement of trial of the suit, filed the instant petition. However, it seems to this court that petition should be allowed for the ends of justice. But simultaneously inconvenience face by defendant should be looked into.

Accordingly, the prayer is allowed on contest and the C/R is shifting back from the P. Board with cost of Rs. 600/-

To for hering of the petition on payment of cost and W/O if any in the mean time.

D/C

Ld. advocate for the plaintiffs submits that the property in question had been recorded in CS ROR in favour of Mosque of that village and subsequently the same has been recorded in favour of the said Mosque during RS operation. But in RS ROR in the column of possession the name of one Badruddin Mondal and others have been mentioned but the same was erroneous. On 06/05/2015 defendants no. 1 to 4 expressed that 8 decimals of land in suit plot has been recorded in their name and they will took the possession of the property. On getting information from settlement office the plaintiff came to know that 8 decimals of land from suit property has been recorded in the name of defendants in different LR ROR. As such plaintiff filed this instant petition for injunction.

Perused the document filed by the plaintiffs and it appears that the property has been recorded in CS ROR as well as RS ROR in the name of said Mosque but the plaintiffs themselves admitted that the LR record of the property to the extend of 8 decimals has been recorded in the name of plaintiffs. It is the established law that the latest record will prevail and

on the basis of possession LR ROR has been prepared.

Considering the above facts and circumstances it seems to this court that plaintiffs have failed to make out prima facie case and balance of convenience and inconvenience does not lie in favour of plaintiffs. I also do not find any urgency to pass any restrained order without hearing other side.

Hence, it is,

ORDERED

that the ad interim injunction is refused at this stage.

Issue notice upon the defendants asking them to show cause within 20 days from the date of receipt of this notice, as to why the prayer of plaintiffs shall not be granted.

Plaintiffs are directed to comply the provision u/o 39 Rule 3 (a)& 3(b).

D/C