

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

Title Suit 296 of 2019

Present: Arindam Chakraborty.

Civil judge(Jr. Div), Lalbagh.

Order No. 02, dated 27/08/2019

The Ld. Advocate for the petitioner by way of put up moves 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 petitioner.

Petitioner pleaded that originally one Kattyani Saha was the owner and possessor of the disputed property and she transferred the same by dint of one registered sale deed for the year 1972 in favour of Budhi Dasi. The petitioner also claimed that he is the only legal heir of Budhi Dasi and on demise of Budhi Dasi he acquired possession of the disputed property.

It is also alleged that the OPs are now trying to grab the property concerned in a forcible manner by depriving the petitioner therefrom. Experiencing threat regarding his ownership and possession over the land the petitioner preferred the instant petition.

In support of the claim, the petitioner can only rely the title deed of Budhi Dasi. No document preferred before this Court wherefrom the Court can satisfy itself regarding the possession of the petitioner or his predecessors-in-interest over the disputed property.

Considering the nature of allegation put against the principal OPs and by considering the nature of the claim preferred by the petitioners and also considering the fact that the petitioner cannot represent at this stage that he is in possession over the plot in question in any manner, this Court is not inclined to consider the prayer of the petitioners in a favourable manner. 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 petitioner is directed to take steps at once.

Issue notice.

Fix to date **(24.04.2020)** 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**