

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

**Case No. Title Suit 174 of 2022**  
**CNR No.WBMD07-000230-2022**

Presided Over by : Afshan Nawaz Warsi (J.O. Code : WB01432)  
Civil Judge (Jr. Div), Lalbagh.

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**Order No.2, Dated 24/03/2022**

The record is put up as the Ld. Advocate for the Petitioner moves a petition under Order XXXIX Rule 1 & 2 read with Section 151 of C.P.C supported by an affidavit for an order of ad interim injunction against the defendant.

Heard Ld. Advocate for the Petitioner.

Seen the office report where from it appears that **no caveat** is pending.

This is a suit for declaration of title and permanent injunction.

The brief fact of the Petitioner's case is that the suit property was originally owned and possessed by the petitioner. Since the petitioner was a minor his father and legal guardian O.P. no.2 had executed and registered an exchange deed on 04/07/2012 on behalf of the petitioner. The petitioner averred that at present he has attained majority. The petitioner further averred that on 05/03/2022 the principal O.Ps obstructed him in possession of the suit property on the plea that the legal guardian of the petitioner i.e. O.P. No.2 had transferred the suit property in their favour. Thereafter the petitioner obtained the certified copy of the impugned deed and came to know that the O.P. No.2 in collusion with the other O.Ps have illegally infringed the legal right of the plaintiff while he was a minor and had transferred the suit property in favour of the O.Ps. The petitioner also averred that such a transfer was not made for creating any beneficial right in favour of the petitioner and the

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consideration amount has also not been deposited in his account. Hence, the instant petition.

To substantiate his claim Petitioner has preferred the certified copy of the impugned deed and his Aadhaar Card. On perusal of the Aadhaar Card it transpires that he has attained majority in the year 2022.

Considering the pleading as well as the documents relied by the side of the Petitioner, it appears to this Court that there is not only prima facie case existing in favour of the Petitioner but also urgency as felt from the plea of the Petitioner. It appears to this Court that if order of ad interim injunction is not granted then purpose of the suit may be frustrated.

Hence, it is

**ORDERED**

that the temporary ad interim injunction as prayed for is hereby allowed but in the form of status quo.

Both the parties to the suit are directed to maintain status quo as regard re-alienation of the suit property in favour of any third party in any manner whatsoever till **25/04/2022**.

Petitioner to take steps under Order XXXIX rule 3 of CPC.

Requisites at once.

To date **30/08/2022** for SR and AD and for hearing injunction if possible.

D/C by me.

Sd/- A. N. Warsi

Civil Judge (Junior Division)  
Lalbagh, Murshidabad

Sd/- A. N. Warsi

Civil Judge (Junior Division),  
Lalbagh, Murshidabad