

In The Court of Civil Judge (Junior Division),

Lalbagh, Murshidabad

Title Suit 115 of 2022

CNR No.WBMD07-000148-2022

Present: Smt. Afshan Nawaz Warsi. (J.O. Code : WB01432)

Civil Judge(Jr. Div), Lalbagh.

Order No.2, dated 23/02/2022

The record is put up as the Ld. Advocate of the Petitioners move a petition under Order XXXIX rule 1 & 2 read with section 151 CPC for hearing.

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 the suit property was originally owned and possessed by the predecessor of the petitioners and the proforma O.Ps no.4 and 5. That the deceased namely Boila Hansda belonged to the Scheduled Tribe he was issued a patta in respect of the suit plot vide R.S. Case No.59/XII/92-93. On 04/02/2021 the principal O.P. No.1 and 2 threatened to dispossess the petitioners from the suit property on the plea that the L.R. Record of Rights in respect of the suit plot is recorded in their name. The petitioners alleged that any L.R.R.O.R. recorded in respect of the suit plot in the name of O.P. No.1 and 2 is forged, baseless and void as it is specifically a property issued to the Scheduled Tribe and that the O.Ps does not belong to the Scheduled Tribe. Hence, the instant petition.

To substantiate their claim the Petitioners have preferred the original patta, the photocopy of the impugned deed, Caste Certificate and copy of the G.D.E. made before Nabagram P.S.

On consideration of the aforementioned points, I am inclined to hold that there exists a prima facie case and the balance of convenience and inconvenience in granting an ad-interim temporary injunction is tilted in favour of the Petitioners. Moreover,

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considering the nature of urgency I am inclined to hold that an ad interim temporary injunction in favour of the Petitioners should be allowed at this stage otherwise the purpose of granting the same would be defeated by delay.

Hence, it is

O R D E R E D

that the temporary ad interim injunction as prayed for is hereby allowed.

The opposite parties no.1 and 2 are hereby restrained from interfering in the peaceful possession of the petitioners over the suit property till **25/03/2022**.

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

Requisites at once.

To date **(22/07/2022)** for SR and AD and for hearing injunction if possible.

D/C by me.

Sd/- A. N. Warsi

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Civil Judge (Junior Division)
Lalbagh, Murshidabad

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