

**In the Court of Civil Judge (Junior Division)**

**Lalbagh, Murshidabad**

**T.S.-282 of 23**

Presided over by : Priyanka Shaw (J.O. Code WB 1283)  
Civil Judge, (Junior Division),  
Lalbagh, Murshidabad

**Order No. 06 dated : 07.03.2025.**

As stipulated by the previous order today is fixed for Injunction hearing.

Plaintiffs file Advocate hazira.

Defendants file Advocate hazira.

Record is taken up for passing order in respect of final disposal of the temporary injunction application.

Perused the documents relied upon by the parties together the injunction application under consideration and the written objection filed thereto on affidavit.

The case of the plaintiffs is that the suit property falls within Nabagram PS under Korgram mouza. Dulu Majhi was the owner of 01 decimals land in the suit plot. He died leaving behind his two sons, namely, Makhan Marjit, and Ranjit Marjit who inherited the same. Makhan Marjit owned 5 decimals of land by way of inheritance and by way of patta and subsequently, he transferred 3 decimals land by way of registered deed of sale dated 29.11.2018 to Raghunath Marjit. After the death of Makhan Marjit, his rest share is owned by plaintiff, Arati, Sumati, Mahadev and Chandan. The rest share in the suit plot is owned by proforma defendant no. 4 to 9. The defendants have no right, title and interest over the suit property. Since 23.05.2023, the defendants are trying to create disturbance in the peaceful possession of the plaintiff and are also trying to make construction over the suit property and are also threatening to transfer the suit property. Hence, this suit

On the contrary the defendants no. 1 to 3 denied all the allegation leveled against them laid down in the plaint of the plaintiffs. The factual aspect, as per the defendants, is that suit plot no. 2539 and non suit plot 2540 are situated side by side. There is a road in the plot no. 2526 situated on the southern side of the aforesaid two plots. Defendants use this plot no. 2526 as pathway. Plaintiffs dumped building materials to obstruct the pathway of defendant. So, defendants protested for this act. Having been Angry, plaintiff filed this suit. Plaintiff has no right to create obstruction or to make construction in the plot no. 2526. Hence, they have prayed for dismissal of this suit.

**Decision with reason**

Having heard the Learned Advocates for both sides and on perusal of documents filed by plaintiffs it prima-facie appears that suit property has been recorded in the name of plaintiff. It is admitted by the plaintiff that they had purchased the Patta Land.

Having heard the Learned Advocates for both sides and on perusal of documents filed by plaintiffs it prima-facie appears that the plaintiff had failed to show any urgency to pass an order of injunction against the defendants. Further it appears that the Suit property is not properly identified, butted and bounder as per law.

In the backdrop of the foregoing observation it can arguably be said that plaintiff has failed to prove prima facie case to go for trial.

Hence, it is

**ORDERED**

that the application filed under Order 39 Rule (1) & (2) of C.P.C by plaintiff is thus hereby considered and refused on contest.

To that effect extension application stands disposed of.

Both parties are directed to appear personally for examination under Order X of CPC.

To 28/07/2025 for examination under Order X of CPC.

D/C by me,

Sd-/ Priyanka Shaw

Civil Judge (Junior Division)

Lalbagh,

Murshidabad

Sd-/ Priyanka Shaw

Civil Judge (Junior Division)

Lalbagh,

Murshidabad