

In The Court of Civil Judge (Junior Division),
Lalbagh, Murshidabad
Title Suit 387 of 2021
CNR No. WBMD070005202021
Present: Smt. Afshan Nawaz Warsi. (J.O. Code : WB01432)
Civil Judge(Jr. Div), Lalbagh.

Order No. 2 dated 05/10/2021

Record is put up for hearing of the petition filed by the petitioners 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 petitioners.

The brief fact of the petitioner's case is that there was a Title Suit bearing no.107 of 72 which was disposed of on a compromise decree in favour of one Mehu Sk. That the said Mehu Sk by virtue of a heba deed dated 11/06/1975 transferred the suit property in favour of Md. Rafik. Thereafter the said Md. Rafik transferred the same in favour of the petitioner. That the L.R.R.O.R is duly recorded in the name of the petitioner. The petitioner alleged that the OP is trying to fraudulently record the suit property in his name. Hence, the instant petition.

To substantiate his claim the petitioner has preferred the original compromise decree and the title of ownership and possession.

On consideration of the aforementioned points, I am inclined to hold that at this stage the balance of convenience and inconvenience in granting an ad-interim temporary injunction is tilted in favour of the petitioner. Moreover, considering the nature of urgency I am inclined to hold that an ad interim temporary injunction in favour of the Petitioner should be allowed at this stage otherwise the purpose of granting the same would be defeated by delay.

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- (2) -

Title Suit 387 of 2021
CNR No. WBMD070005202021

Hence, it is

ORDERED

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

The opposite party is hereby restrained from interfering the with the peaceful possession of the petitioner over the suit property till **15/11/2021**.

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

Requisites at once.

To date **(12/05/2022)** for SR and AD and for hearing injunction if possible.

D/C by me.

Sd/-Afshan Nawaz Warsi
Civil Judge (Junior Division),
Lalbagh

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