

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

Title Suit 410 of 2021

CNR No. WBMD070005642021

Present: Smt. Afshan Nawaz Warsi.

Civil Judge(Jr. Div), Lalbagh.

J.O. Code : WB 1432

Order No. 2 dated 11.11.2021

Record put up at the instance of the Ld. Advocate for the side of the petitioner.

The Ld. Advocate for the petitioner 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.

By specifying earlier ownership over the suit property the petitioner claimed himself to be the absolute owner of the suit property. That thereafter he transferred 34 decimals out of 36 decimals in favour of the proforma defendant and in this way he claims to have ownership over 12 decimals. The petitioner alleged that the opposite party without any right, title and interest is trying to interfere in his peaceful possession. Hence, the instant petition.

To substantiate his claim the petitioner has preferred the document of possession.

Considering the nature of allegation put against the OP and by considering the nature of the claim preferred by the petitioners and also considering the documents preferred at this stage where from it is not possible to find out whether the interest over the property in favour of the

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petitioner is threatened to be infringed by the OP. So the prayer is refused.

Issue notice upon OP 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 accordingly directed to take steps forthwith.

Issue notice.

Fix to date (21/**05/2022**) 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**