

TITLE SUIT – 510 OF 2025
PRESENT BEFORE : AMRITA DEY
JO CODE : WB01380

Order no. 02 Dated : 06/09/2025

The record is taken up by way of put up for hearing of an application of ad interim injunction under order 39 rule 1 & 2 of Civil Procedure Code supported by an affidavit filed by the plaintiff today.

It appears from the endorsement made by the Sheristadar, that no caveat has been lodged in respect of the suit property or by the parties involved in this suit. Issue notice upon the defendants asking them to show cause ***within 10 days*** from the date of receipt of the same as to why the prayer for temporary injunction shall not be granted against them as sought for by the plaintiff.

Accordingly, the application for ad interim injunction is taken up for hearing.

Perused the plaint, application for ad interim injunction, affidavit and other documents filed by the plaintiff in support of their contention.

The plaintiff's case in a nutshell is that the Ka schedule property (herein after referred to suit property) belongs to Seru Sk @ Hazi Sher Ali. He died leaving behind his wife, three sons and three daughters. The eldest son of Seru Sk died leaving behind his wife, two sons and five daughters who are plaintiffs. The other sons passed away except Banarul Sk. Jahannara Bibi, D/O of Seru Sk is dead. Other two daughters of Seru Sk is defendant and Kohinur Bibi. The suit property is an ejmali property. Suddenly on 22.05.2025 principal defendant claimed that she got the suit property by way of hebanama deed no. 318 of 2000. Plaintiff collected the certified copy of the impugned deed and came to know that defendant no. 1 prepared a deed in connivance with defendant no. 2 by false personification of Seru Sk as her father, which compelled them to file this suit.

Ld. Counsel on behalf of the plaintiff submitted that, the deed in the name of the defendant no. 1 is void ab-initio and on the basis of the said deed, principal defendant has been trying to transfer the same to other person and has been trying to disposes the plaintiffs from the suit property. Ld. Counsel concluded his submission with a prayer that, the court may be pleased to pass an order against the defendants to protect the right & possession of the plaintiff.

Having heard the submission of the Ld. Advocate for the plaintiff and after going through the documents filed by the plaintiff, it appears that, **Firstly**, the plaintiff failed to show any document /deed through which they inherited suit property as well as how the plaintiff has been possessing the suit property. **Secondly**, it has been admitted that the defendants have been claiming the suit property on the basis of the a registered deed. It goes without saying that the registered deed shall have to be taken as genuine. **Thirdly**, without taking proper evidence, the allegation as alleged by the plaintiff can not be over looked at this stage. **Fourthly**, the plaintiff did not file a single scrap of paper that they are the legal heirs of Sheru Sk.

Hence, it is,

ORDERED

That the prayer for ad-interim injunction stands rejected ex-parte against the defendants.

To date (26.03.2026) for S/R and A/D.

D/C by me

Sd-/ Amrita Dey

**Civil Judge (Jr. Div)
Lalbagh Msd.**

Sd-/ Amrita Dey

**Civil Judge (Jr Div)
Lalbagh Msd.**