

IN THE COURT OF CIVIL JUDGE (JR. DIVN.) LALBAGH, MURSHIDABAD

T.S - 193 of 2020

PRESENT BEFORE : AMRITA DEY

JO CODE : WB01380

Order No. 25 Dated : 15.06.2026.

Today is fixed for hearing of injunction.

Both parties are present by filing haziras.

Heard both sides. Considered. Perused the materials on record.

Ld. Counsel for plaintiff submitted that, the plaintiff has got the suit property by dint of registered deed and his name has duly been recorded in the LRROR in respect of the suit property. Ld. Counsel lastly submitted that, the plaintiff has submitted all the relevant documents in support of his case and as such, this court may pass an injunction order in favour of the plaintiff by restraining the defendant till disposal of this suit, failing which, the plaintiff will face irreparable loss and injury.

Ld. Counsel for defendant no. 1 submitted that, it has been admitted by the plaintiff in his plaint that, defendant no. 1 is in possession of the suit plot and he got suit property by dint of a registered deed. Ld. Counsel for defendant no. 2 submitted that, he purchased the suit property from defendant no. 1 and his name has duly been recorded in LRROR. Ld. Counsel also submitted that, as the plaintiff has duly admitted in his plaint that both defendants have been possessing the suit plot by purchased the question of permissive possession is a vague and baseless allegation. As such, plaintiff are not entitled to get any injunction order in respect of the suit property.

Having heard the submission of Ld. Counsels for both parties and after going through the documents filed by both parties, this Court is of the modest understanding that, **firstly**, plaintiff has filed registered deed and ROR in his name in respect of the suit property. It goes without saying that, a registered deed has to be taken as genuine unless rebutted by cogent evidence. At this stage, defendants failed to rebutt the presumption of the registered deed by producing any cogent evidence. Again, as per settled principle of law, ROR can safely be taken as a document of possession. **Secondly**, it has been admitted by the plaintiff that defendant no. 1 and 2 have been possessing the suit plot on the strength of registered deed and their names were duly been recorded in ROR. At the time of hearing plaintiff could not file any document to prove that the deeds in the names of the defendants are manufactured. **Thirdly**, the allegation as alleged by the plaintiff at this stage as well as the defence taken by the defendant at this stage can not be determined without taking proper evidence. Therefore, on the basis of the above observation it will not be possible to ascertain or presumed the real status of the parties of this case at this stage without taking evidence, as both of them submitted documents in support of their contention. So, on the basis of the above mentioned grounds, this Court is of the opinion that, to keep the subject matter of this case in the same nature, character and possession the following order is being passed.

Hence, it is,

ORDERED

That the application for temporary injunction filed by the petitioner is disposed of on contest but without cost.

All the parties of this case are hereby directed to maintain status quo in respect of nature, character and possession in regard to the schedule mentioned property, as it stands today till disposal of this case.

Fix 19/09/2026 for framing of issues and hearing of petition under o. 39 r. 7 CPC.

Dictated and corrected by me,

Sd-/ Amrita Dey

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

Sd-/ Amrita Dey

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