

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

Title Suit 453 of 2019

Present: Afshan Nawaz Warsi.

Civil judge(Jr. Div), Lalbagh.

Order No. 02 dt. 21/12/2019

The record put up at the instance of the Ld. Advocate for the petitioner wherein 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.

The brief fact of the petitioner's case is that one Bishu Pradhan @ Biswanath Pradhan was the original bargadar of 352 decimals of land. That on 18/02/2001 the said Bishu Pradhan died leaving behind his son, the plaintiff Shyamal Pradhan as his legal heirs and since then he has been using the said land for the purpose of cultivation. The name of said Shyamal Pradhan is also recorded in the LR Record being Khatian No.663. That all of a sudden on 10/12/2019 the opposite parties communicated their intention to the petitioner that they intend to take possession of the dispute property and cut down all the cultivations and thereby used the said property for the purpose of promoting. It was further contended that the opposite party has no right, title and interest in the said suit property and are trying to illegally dispossess the petitioner.

To substantiate his claim the petitioner has filed a photocopy of the bargadar certificate issued by the West Bengal Government in the name of Bishu Pradhan under Section 51 of the West Bengal Land Reforms Act. The photocopy of the LRROR recorded in the name of Shyamal Pradhan issued by the BL&LRO, Nabagram Block.

Considering the pleading as well as the documents relied by the side of the petitioners, it appears to this Court that there is not only prima facie case existing in favour of the petitioners but also urgency as felt from the plea of the petitioners. It appears to this Court that if order of injunction is not granted then purpose of the suit may be frustrated.

Considering the observation made above the temporary ad interim injunction as prayed for is hereby allowed. The OPs are hereby restrained from disturbing the petitioner in enjoying the peaceful possession of the said property.

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The OPs are also directed not to disturb the petitioner on the cultivation of the suit property as barga till **20/01/2020**.

petitioners to take steps under Order XXXIX rule 3 of CPC. Issue notice upon the OPs to show cause within ten (10) days from the service of notice thereof as to why this above order of injunction will not be made absolute .

Requisites at once.

The service of notice must be on both ways i.e. through registry post and through court .

To date **(27/08/2020)** for SR and AD and for hearing injunction if possible.

D/C by me.

Sd/-

**Civil Judge (Junior Division),
Lalbagh**

Sd/-

**Civil Judge (Junior Division),
Lalbagh**