

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

**T.S - 577 of 2024**

**PRESENT BEFORE : AMRITA DEY**

**JO CODE : WB01380**

**Order No. 05 Dated : 18.11.2025.**

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 plaintiffs have been possessing the suit property peacefully but the defendant no. 3 suddenly claimed the suit property on the basis of registered hebanama deed dated 24.09.2024. Ld. Counsel lastly submitted that this court may pass an injunction order in favour of the plaintiff by restraining the defendant till disposal of this suit, failing which, the plaintiffs will face irreparable loss and injury.

Ld. Counsel for defendant submitted that the deed in favour of the defendant no. 3 in the year of 2002 and this suit has been filed after laps of 23 years which is specifically barred u/s 59 of Limitation Act.

Ld. Counsel for defendant also submitted that plaintiffs did not submit any documents to prove their possession over the suit property. As such, plaintiffs 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, it has been admitted by the plaintiff that there was a registered hebanama for the year, 2002 in the name of the defendant in respect of the suit property by Hepjal Mandal, plaintiffs also claimed that Hepjal Mandal executed a gift deed in their favour in the year 2014. This clearly shows that there are two registered deeds in respect of the suit property by Hepjal Mandal. It is needless to mention here that this Court is bound to presume a registered deed as genuine unless rebutted cogent evidence. In this case, neither party could satisfy this court by any cogent evidence that registered deeds are forged. In such a situation, the Court is bound to presume the deed executed in the year 2002 as genuine in place of deed executed in the year 2014. Secondly, if the deed executed in the year 2002 has been taken as genuine, then it can safely be presumed that Hepjal Mandal has got no authority to execute gift deed in favour of plaintiffs in the year 2014. 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 its stands today till disposal of this case.**

**Fix 13.03.2026 for framing of issues and summons upon proforma defendants through registered post.**

*Dictated and corrected by me,*

**Sd/- Amrita Dey  
Civil Judge (Jr. Div)  
Lalbagh Msd.**

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Civil Judge (Jr Div)  
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