

Title Suit/33/2026

Present : Sneha Basu,

Civil Judge (Jr. Divn.),

Nabadwip, Nadia (In-charge)

JO Code WB01437

CNR No. WBND070000502026

Putul Sarkar Vs. Rama Sarkar.

Order No. 02

Date 23.03.2026

Today the record is put up on the strength of put up petition.

Ld. Advocate for the plaintiff moves the ad-interim injunction petition.

The record is sent to the Sheristadar for caveat noting who gives a report stating no caveat being pending.

As such the record is taken up for hearing the ad-interim injunction petition.

The case of the plaintiff, in brief, is that the suit property originally belonged to her husband, namely Harugopal Sarkar, who acquired 0.02 decimals of land by inheritance and a further 2.17 decimals by virtue of a registered Deed of Gift being No. 2472/2011. The said Harugopal Sarkar duly mutated his name in the L.R.R.O.R. Upon his demise, the plaintiff along with proforma defendant Nos. 2 and 3 inherited the suit property and thereby became joint owners and possessors thereof. It is the specific case of the plaintiff that she is residing over her 1/3rd share out of the total 4 decimals of land.

It is further alleged that proforma defendant No. 2 married the present defendant, and subsequent to such marriage, the defendant began subjecting the plaintiff to various acts of harassment. On 09.03.2026 at about 9:00 p.m., the defendant allegedly left the suit property with another person, taking along her stridhan articles. However, on 16.03.2026 at about 11:00 a.m., when the plaintiff was alone at the suit property, the defendant along with a third person allegedly entered the premises and threatened the plaintiff to execute a deed of gift in respect of the suit property in favour of the defendant. According to the plaintiff, the defendant has no manner of right, title, or interest in the suit property and has attempted to dispossess her and disturb her peaceful possession thereof.

In view of the aforesaid circumstances, the plaintiff has filed the present petition praying for an order of **ad-interim injunction** restraining the defendant from disturbing the peaceful possession of the plaintiffs and from creating any obstruction, interference, or dispossession in respect of the suit property pending disposal of the injunction application.

Today, plaintiff has filed some documents supported by firisti. Perused and considered the same. Let these documents be kept with the case record.

Heard the Ld. Advocate for the plaintiff.

Perused the application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure read with Section 151 of the Code along with the documents filed. Upon consideration of the averments made in the plaint and the materials on record, it prima facie appears that the parties are co-sharers in respect of the suit property. There is nothing on record to indicate that the suit property has been partitioned either by a registered deed of partition or by any order of a competent Court so as to demarcate the respective shares by metes and bounds.

It is well settled that in the case of joint and undivided property, each co-sharer is deemed to be in possession of every inch thereof, and in absence of proof of exclusive possession or any act amounting to ouster, waste, or irreparable injury, an order of injunction against a co-sharer is ordinarily not maintainable. In the present case, no such exceptional circumstance is made out at this stage.

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Accordingly, in absence of any material to show separation of possession, the prayer for ad-interim injunction against a co-sharer of the suit property is not tenable at this stage without affording an opportunity of hearing to the other side.

Hence, it is

Ordered

Accordingly, the prayer for ad-interim injunction is rejected at this stage.

Issue notice upon the principal defendant calling upon him to show cause within 14 days from the date of receipt of notice as to why the order of temporary injunction shall not be passed against him.

Requisites at once.

To 23.04.2026 for S/R and S/C.

Return the originals.

Dictated & Corrected by me

Sd/- Sneha Basu
Civil Judge(Junior Division),
Nabadwip, Nadia (I/C)

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