

T.S 110 of 2018

Order no 2 Dated:22/6/2018

Record is put up today. One petition under Order 39 Rule 1 and 2 read with section 151 C.P.C. has been filed by the Learned Advocate for the plaintiff along with a prayer for adinterim injunction order. Some documents are filed through firisti on behalf of the plaintiff.

Heard the Ld. Advocate for the plaintiff. Perused the materials on record including the documents relied upon.

No caveat is pending as per the note of the Sheristadar.

The contention of the plaintiff is that the suit property was obtained by the plaintiff from his mother by way of a registered Deed of Gift on the year 2007 and since then, he has been possessing the suit property after construction of his dwelling house thereon. It is the further contention of the plaintiff that the residence of the defenadant is situated in the adjacent southern side of the plaintiff's dwelling house and he has started raising construction without leaving sufficient gap violating Municipal Rules and Orders. Finding no other alternative, the plaintiff has filed Written Objection before the Nabadwip Municipality and the Nabadwip P.S.

Accordingly, by filing the instant petition, the plaintiff prayed for an interim order of injunction restraining the defendants from raising any construction over the suit property violating Municipal Rules and Orders.

Considering the entire facts and circumstances of the case, I am not inclined to pass an order of injunction without giving the defendants an opportunity of being heard.

Hence, it is,

ORDERED

Issue notice upon the defendants calling upon them to show cause within 14 days from the date of receipt of the notice as to why the temporary injunction as prayed for shall not be granted against them.

Clerkincharge is directed to do the needful.

Requisites at once.

To 23.07.2018 for S/R and A/D.

Dictated & corrected by me

Sd/- Dibyasree Das
Civil Judge (Jr. Divn.)
Nabadwip, Nadia

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Civil Judge (Jr. Divn.)
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