



Title Suit/39/2025

Present : Rajib Sarkar

JO Code WB01509

Sudip Lahiri Vs. Alok Kumar Chatterjee

Order No. 02

Date 10.03.2025

The record is put up on behalf of the plaintiffs.

Ld. Advocate for the plaintiffs 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.

Fact of the case according to the plaintiffs is that the suit property originally belonged to one Sandip Chattapadhyay. The plaintiffs purchased the suit property from Sandip Chattapadhyay by way of registered Sale Deed being No. 2765/2009 and they have mutated their names in the LRROR. The suit property is a vacant land. There is only one pathway for ingress and egress of the suit property which is mentioned in the Sale deed and also mentioned in the partition Deed being No. 2070/2001 of predecessor of the vendor. After purchasing the suit property, the defendants are obstructing the plaintiff for using the said pathway. On 04.03.2025, the plaintiff went to the suit property for measuring the same and the defendants obstructed the plaintiffs. The defendants have no right to obstruct the plaintiffs for using the pathway. Hence the instant petition.

In support of his contention, the plaintiffs have filed original and photocopies of certain documents which are as follows :

1. Sale Deed being No. 2765/2009.
2. LRROR in respect of khatian No. 4983.
3. LRROR in respect of khatian No. 4984.
4. Municipal Tax receipt.
5. Plot information slip.

Heard the Ld. Advocate on behalf of the plaintiffs. On consideration of the above mentioned documents and on perusal of the case record, this Court is of the opinion that plaintiffs have a prima facie case in their favour. The balance of convenience and inconvenience tilts in favour of the plaintiffs. The plaintiffs shall suffer irreparable loss and injury if the defendants are able to obstruct the plaintiffs for using the pathway of the suit property. The urgency involved is due to the fact that the defendants have allegedly obstructed for using the pathway of the suit property.

Hence, it is

Ordered

that the prayer for ad-interim injunction in the nature of restraint order is allowed at this stage.

The defendants are hereby restrained from obstructing the plaintiffs in using the kha schedule common pathway till the next date of hearing i.e. 11.04.2025.

Plaintiffs to comply with the provisions of Order 39 R 3 (a) and (b) of the CPC at once.

Issue notice upon the principal defendants calling upon them 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 them.

Requisites at once.

To 11.04.2025 for S/R and S/C.

Return originals.

(Dictated and Corrected by me)

Sd/-

Civil Judge(Jr. Divn)

Nabadwip, Nadia

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