

WBND070002342024



Title Suit/167/2024

Present : Rajib Sarkar

JO Code WB01509

Purnima Kundu Vs. Tanusree Kundu

Order No. 02

Date : 01.08.2024

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 as to no caveat being found.

Hence, the record is taken up for hearing the ad-interim injunction petition.

The fact of the case according to the plaintiff is that the Pro defendant no 4 is the son of the plaintiff. Previously they are residing at Bablari i.e. the paternal house of the Pro defendant no 4. After the demise of the 1st wife of the pro defendant no 4, pro defendant no 4 with the help of the plaintiff purchased the suit property and the plaintiff along with her grandson is residing in the suit property. Subsequently, the pro defendant no 4 transferred the suit property in favour of the plaintiff by way of a registered gift deed. In this way plaintiff became the owner and possessor of the suit property.

Again pro defendant no 4 married to the defendant no 1 and started to live separately at Bablari, at the paternal house of the pro defendant no 4. But after a few days the the pro defendant no 4 along with defendant no 1 and their minor girl started to live in the schedule property. Now the defendants are trying to oust the plaintiff and her grandson from the suit property. Hence the instant petition.

In support of her contention, the plaintiff has filed some photocopies of certain document which is as follows :

1. LRROR in respect of khatian no 32847.
2. Municipal Tax receipt.
3. Govt. rent receipt.
4. Gift deed being no 2315/2024
5. Birth certificate of Priyanshu Kundu along with some other documents.

Heard the Ld. Advocate on behalf of the plaintiff. On consideration of the above mentioned documents and on perusal of the case record, this Court is of the opinion that the plaintiff has been able to prove a prima facie case in her favour. Presently the title of the suit property appears to be with the plaintiff. The balance of convenience and inconvenience tilts in favour of the plaintiff. The plaintiff shall suffer irreparable loss and injury if the defendants are able to **oust her from the suit property with her minor grandson.** The

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urgency involved is due to the fact that **on 28.07.2024 the defendants were forcibly enter into the suit property.**

Hence it is,

ORDERED

that the defendants are hereby restrained from disturbing the peaceful possession of the plaintiff over the suit property in any manner whatsoever till the next date i.e 31.08.2024.

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

Issue notice upon the 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 31.08.2024 for S/R and S/C.

(Dictated and Corrected by me)

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

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