

Title Suit 189/2022
Registration No. 189/2022
CNR No. WBND07-000253-2022
Present: Rajib Sarkar
J.O. Code WB01509

Order No. 2; Dated 04.11.2022

Record is put up before me by dint of a petition filed by the Ld. Advocate for the plaintiff who prays for the hearing of ad-interim injunction petition which has already been filed in the record.

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 plaintiff became the owner and possessor of the suit property by way of a registered Gift deed executed in his favour by the defendant no. 1, i.e., his father. Thereafter, the plaintiff permitted the defendants, i.e., his parents and sister to reside over the suit property as licensee. The plaintiff used to reside elsewhere for his job but now he wishes to reside over the suit property and as such he requested the defendant to vacate the same. When the defendants did not vacate it, he revoked the license on 11.10.2022. At present, the defendants are making some construction work over the suit property without any intimation or permission of the plaintiff.

The Ld. Advocate for the plaintiff has filed photocopy of certain documents -

1. Gift Deed being no. 1428 of 2012.
2. LRROR in the name of the plaintiff.
3. Some photographs of the ongoing construction work 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 if the present condition of the suit property is not preserved by way of an order of injunction it may lead to multiplicity of proceedings.

Taking into consideration the above discussion the prayer of the plaintiff is liable to be allowed.

Hence it is,

ORDERED

That the prayer for ad-interim injunction in the nature of status quo order is allowed at this stage.

Both parties are directed to maintain status quo in respect of the nature and character of the suit property till next date, i.e., 02.12.2022.

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 02.12.2022 for S/R and S/C.

(Dictated and Corrected by me)

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