



Title Suit/248/2024

Present : Rajib Sarkar

JO Code WB01509

Nishith Modak

Vs.

The Chairman of Sri Mayapur Dham Pilgrim and visitor's Trust + 8

Contd...Order No. 01

Date 10.12.2024

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 stating no caveat being pending.

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

The fact of the case in a nutshell according to the plaintiff is that the plaintiff and the proforma defendant No. 1 purchased the suit property by way of registered Sale Deed being No. 6324/2015 from one Shovarani Dey @ Shilarani Dey. Thereafter, the suit property has also been mutated in the name of the plaintiff and the proforma defendant No. 1. They are in possession of the property since purchase. The principal defendant without having any right title or interest over the suit property are trying to disturb the peaceful possession of the plaintiff and the proforma defendant since the month of September, 2024. On 22.10.2024, the defendants alleged that some portion of their land is comprised within the boundary of the suit property and on 18.11.2024, the defendants also demolished the portion of the boundary fencing. Hence the instant petition.

In support of his contention, the plaintiff has filed photocopies of certain documents which are as follows :

1. Sale Deed being No. 6324/2015.
2. Copy of order sheet issued by BL & LRO.
3. Copy of plot information slip along with other document.

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 plaintiff has a prima facie case in his favour. 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 disturb the peaceful possession of the plaintiff over the suit property. The urgency involved is due to the fact that the defendants have allegedly demolished a portion of the boundary fencing 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 disturbing the peaceful possession of the plaintiff over the suit property without due process of law till the next date of hearing i.e. 13.01.2025.

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

Issue notice upon all 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 13.01.2025 for S/R and S/C.

(Dictated and Corrected by me)

Sd/-

Civil Judge(Jr. Divn)

Nabadwip, Nadia

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