

T.S. No. 70 OF 2022 C.I.S 70 of 2022
CNR WBNP18-000092-2022

11-03-2022

The case record is taken up for hearing of application u/o.39 rule 1&2 read with section 151 of CPC filed by the plaintiffs.

Heard. Perused the plaint, affidavit, said application and copies of documents filed by the plaintiffs.

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

By filing the instant petition the plaintiffs pray for declaration, recovery of khas possession and permanent injunction against the defendants.

Issue notice calling upon the defendant no.1 & 2 to show cause within 20 days from the date of receipt thereof as to why an order of temporary injunction shall not be granted against them.

Heard Ld. Advocate for the plaintiffs.

Considered.

Perused the plaint, petition and other connected documents produced before this court, this court is of view that the plaintiffs have been able to establish the prima facie case and proved urgency at this stage. If an order of injunction on ad-interim basis is not granted in favour of the plaintiffs, plaintiffs will suffer irreparable loss. Considering urgency in the matter this court is inclined to allow the temporary injunction on ad-interim basis.

Hence, it is

ORDERED

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that the temporary injunction petition filed by the plaintiffs is allowed on ad-interim basis. The defendant no. 1 & 2 are hereby restrained from making any construction over the suit property and also restrained from alienating the suit property to the third party whatsoever till 08.04.2022.

Plaintiffs are hereby directed to comply with the provision u/o.39 rule 3(a) and 3(b) of CPC at once in default adinterim order will stand vacated automatically.

To date.

D/c by me

CJ (Jr. Divn.)
(JO CODE WB 01423)
Bidhannagar

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