

Later dated 03/05/2024

No caveat is pending as per report of the Sheristadar.
Record is taken up for hearing of ad-interim injunction petition.
This is a suit for declaration and permanent injunction.

The factual matrix of plaintiff's case is that plaintiff became the owner of the suit property by way of purchase. Since 2019, defendants having no right, title and interest in the suit property are trying to grab the suit property of plaintiff. As per the averment of plaintiff, plaintiff had also filed an application u/s 144 (2) of Cr.P.C and one writ has also been filed before Hon'ble High Court at Calcutta being WP no. 23981/2019. As per the averment of plaintiff defendants with intent to grab the suit property of plaintiff are bamboo fencing the suit property. By moving this ad interim injunction plaintiff prays for restraining the defendants and their men and agents from grabbing the suit property and / or ousting the plaintiff from the suit property without due process of law and / or changing the nature and character of the suit property and / or transferring and alienating the suit property to any third person.

To support the case, the plaintiff filed following documents, original sale deed being no. 2841 dtd. 09/05/1984, information of dag no. 576, tax receipt, rent receipt and copy of mutation certificate for perusal.

Perused the plaint, injunction application and documents filed by the plaintiff.
Considered.

On careful perusal, it appears that plaintiff is the owner of the suit property. Presently, right, title and interest of the plaintiff is in question before this Court. There is a bona fide case fit to go for trial. Urgency is clearly reflected from the application. The balance of convenience at the nascent stage is lying in favour of plaintiff. If this ad interim injunction is not granted in favour of the plaintiff then plaintiff might suffer an irreparable loss which cannot be compensated in terms of monetary benefit. Therefore, it shall cause greater inconvenience to the plaintiff than to the defendants. Thus, the prayer of ad interim injunction of plaintiff is allowed at this stage.

Hence, it is,

O R D E R E D

that the prayer for ad interim relief is hereby considered and allowed at this ad interim stage.

The defendants and their men and agent are hereby restrained from disturbing the peaceful possession of the plaintiff with respect to the schedule suit property till the next date and defendants and their men and agents are also restrained from dispossessing the plaintiff from suit schedule property without due process of law till the next date.

Defendants and their men and agents are also restrained from creating any third party interest with respect to the suit property by transfer or any type of alienation of the suit property till next date.

Issue notice upon the defendants to show cause within 20 days from the date of receipt of this order as to why the order of temporary injunction shall not be granted as per the prayer of the plaintiff.

The plaintiff is directed to put in requisite at once.

Office is directed to issue the same.

To date (11/07/2024).

Civil Judge (Jr. Divin)