

Order dated 05/05/2025

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

The factual matrix of plaintiffs' case is that plaintiffs being the legal heirs of Late Ram Krishna Moitra states that after deceased of their father they along with their two brothers are entitled with the shares of suit property equally. As per the averment of plaintiffs one suit being 143 of 2018 is filed by them to effect partition and during the hearing defendants being their brother brought forward one deed of family settlement of which plaintiffs do not have any knowledge. By filing this temporary injunction application and moving this ad-interim injunction plaintiffs pray for restraining the defendants and their men and agents from transferring and / or alienating and / or parting with possession and / or encumbering the suit property to any third party and / or changing the nature and character of the suit property.

To support the case, the plaintiffs has filed copy of case status being no T.S. 143/2018, copy of deed of family settlement, copy of death certificate and copy of heirship certificate for perusal of this Court.

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

On perusal of the case record along with injunction application and documents annexed herein, it transpires that plaintiffs have already filed a suit for effecting partition. The said matter is still subjudice before Superior Court. At this stage, plaintiff filed a certified copy of deed of family settlement wherein prima faice it can be seen that predecessor of plaintiffs have settled the said property in favour of wife and two sons. At this stage, this Court do not find any urgency in the matter to grant relief in an ad interim form in favour of plaintiffs. At this stage balance of convenience and inconvenience are not in favour of plaintiffs. At the same time defendants should be heard before passing any order against them. At this stage, this Court is not inclined to allow the prayer of the plaintiffs.

Hence, it is

O R D E R E D

that the temporary injunction petition on ad interim basis is refused at this stage.

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 plaintiffs.

To date (03/09/2025)

Civil Judge (Jr. Divin)
Bidhannagar
J.O. Code : WB 01536