

Later dated 16/05/2025

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 Gopal Roy Chowdhury stated that Gopal Roy Chowdhury is the brother of Smt Bijoli Bose who died issue less. As per the averment of plaintiffs defendants being adopted child of said Bijoli Bose and promoters are trying to evict plaintiffs without due process of law. Plaintiffs further stated that they are residing in the suit property since long. By filing this temporary injunction application and moving this ad-interim injunction plaintiffs pray for restraining the defendants from dispossessing the plaintiffs and / or disturbing the peaceful possession of plaintiffs in respect of the suit property.

To support the case, the plaintiffs has filed following documents, a copy of deed of conveyance, copy of agreement for surrender of possession, copy of bengali will, copy of electricity bill copy of death certificate, copy of aadhar, voter and rations cards of plaintiffs and copy of Order sheet of Apex Court being no. 2004 SAR (Civil) 107 Supreme Court for perusal of this Court.

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

On perusal of documents it transpires that plaintiffs are in possession of the suit property. It is trite to mention here that no one shall be dispossessed without due process of law. It is a fact that plaintiffs has placed a triable issue to be adjudicated by the Court. Thus, at this instant case plaintiffs have proved their prima facie case fit to go for trial. Urgency is reflected. At this stage, balance of convenience and inconvenience is tilting towards plaintiffs. If this ad interim injunction is not granted in favour of the plaintiffs then plaintiffs might suffer an irreparable loss which cannot be compensated in terms of monetary benefit. Therefore, it shall cause greater inconvenience to the plaintiffs than to the defendants. Thus, the prayer of ad interim injunction of plaintiffs 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 stage.

The defendants are directed not dispossess the plaintiffs without due process of law till next date.

The plaintiffs are directed to comply the provisions of order 39 Rule 3(a) and (b) CPC positively.

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.

The plaintiffs are directed to put in requisite at once.

Office is directed to issue the same.

Todate (09/09/2025)

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