

Later dated 12/06/2025

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 became the owners of plot of land purchased from predecessors of defendants. After said purchase plaintiffs are in physical possession of the said suit plot of land. As per the averment of plaintiff, defendants have instituted one MP Case no. 922 against plaintiffs. By filing this suit plaintiffs states that defendants are obstructing egress and ingress of the plaintiffs in the dag no. 9152, 9134 and 9154. By filing this permanent injunction to resist the defendant not to obstruct and / or ousting and / or dispossessing plaintiffs and / or causing any damages of the structure and / or changing the nature and character.

To support the case, the plaintiffs has filed following documents, a copy of deed no. 9280 of 1960, copy of deed no. 9434 of 1960, copy of deed no. 6201 of 1964, copies of khajna receipts dtd. 29/03/1968, 18/07/1969, 09/03/1968, 12/04/1967, 04/07/2017, 06/12/2018, 17/02/2022, 27/07/2022, 27/07/2022, copies of BLRO mutation dtd. 14/09/2018, copies of municipality tax receipts dtd. 27/07/1965, 22/02/1967 and 28/09/1969 for perusal of this Court.

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

Perused the entire plaint and injunction application. On careful perusal it transpires that plaintiffs claims themselves to be the owners of the suit property. Indeed, plaintiffs have provided documents for the same. On careful perusal of the injunction application why the relief of ad interim injunction at this nascent stage of suit is sought for is vague and ambiguous. Plaintiffs have relied upon police enquiry report stating that there is a cause of action. Even if the report is considered, report speaks that the matter was amicably settled between the parties. At this stage plaintiffs have miserably failed to establish any prima facie case in their favour. Urgency is not reflected from the application of injunction. Balance of convenience and inconvenience are not presently tilting towards the plaintiff. At the same time defendant 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 (11/11/2025)

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