

later dated 23/09/2024

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 plaintiff's case is that plaintiff is the single child of late Kali Kishor Ganguly and Rina Gangul. As per the averment of plaintiff the suit property was purchased by deceased mother of plaintiff. Rina Ganguly died on 14/02/2007, as per law of succession / inheritance Kali Kishor Ganguly and plaintiff became co owner of the suit property. As per the averment of plaintiff, plaintiff's father got married to the instant defendant. Plaintiff further claims that presently defendant is in possession of the suit property and is restraining plaintiff from entering into the suit property. By filing this temporary injunction application and moving this ad-interim injunction plaintiff prays for restraining the defendant and her men and agents from disturbing the peaceful possession of property and / or transfer the property to any third party without due process of law.

To support the suit, the plaintiff filed the following documents, copy of deed vide no. 2537/2000, copy of an advocate's letter and copy of application u/s 165 BNSS vide MP case no. 2302/2024 for perusal of this Court.

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

On perusal of the documents it transpires that plaintiff is one of the legal heir of the owner being Rina Ganguly. Plaintiff has right, title and interest in the suit property. It is admitted by the plaintiff that defendant is in possession of the suit property even though her possessory right has not been established. Thus, plaintiff has established a prima facie case fit to go for a trial. Presently urgency is reflected. At this stage, balance of convenience and inconvenience is tilting towards 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 defendant. 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 defendant and her men and agents are restrained from creating any third party interest with respect to the suit property till next date.

The defendant are further restrained from interfering with the possession of the plaintiff with respect to the suit property till next date.

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

Issue notice upon the defendant to show cause within 10 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. (23/12/2024)

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