

2.4.15

The case record is put up today for hearing application u/o.39 rule 1,2 read with section 151 of CPC filed by the plaintiff.

Heard. Perused the plaint, affidavit, said application and Photostat copies of documents filed by the plaintiff.

No caveat is pending as per the report of the Sheristadar.

Facts stated by the plaintiff is that plaintiff is the owner of schedule A property by way of purchase and the defendant is trying to encroach upon 14' wide common passage which is the suit property and which is the only way into the house of the plaintiff from Main Nayapatti Road. Hence this application.

Considered.

Issue notice calling upon the defendant to show cause within 10 days from the date of receipt thereof as to why an order of temporary injunction shall not be granted against him.

Heard the prayer of order for ad-interim injunction. Perused the documents on record.

Considering all facts and circumstances this court is of view that the plaintiff has been able to establish the prima facie case and at this stage an order of status quo would be just and proper. Hence, it is,

ORDERED

that the defendant is hereby restrained from blocking or encroaching upon any part of schedule B property till 30.4.15.

Plaintiff is to put requisites at once.

Plaintiff is to comply the provision of u/o.39 rule 3(a) and 3(b) of CPC.

D/c by me.

C. J.

Civil Judge(Jr. Divn.)
3rd Court, Sealdah