

The Court of the Civil Judge(Jr. Divn.), Bidhannagar
Present: Dhrubajyoti Bhattacharyya, Civil Judge(Jr. Divn.), Bidhannagar
J.O.CODE WB 1177

Title Suit No. 319 of 2023
C.I.S.No. 319 of 2023

Order No.3 dt.15.09.2023.

The record is put up today and is taken up for hearing of application preferred in terms of Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. Issue notice calling upon the defendants to show cause within 20 days from the receipt thereof as to why the order of temporary injunction shall not be granted against them. As per the office report caveat has not been filed with respect to the claim. This court has heard the submissions made by Ld. Counsel appearing for the plaintiff. The crux of the plaintiff's case is that the plaintiff is the owner and occupier of the property mentioned in the schedule of the plaint hereinafter referred to as the suit property. The defendants who are the strangers of the property had been disturbing the peaceful possession of the property held by the plaintiff to encroach the property.

This Court had heard the Ld. Counsel for the plaintiff who has produced the deed no. I4437 dt.23.08.1990, mutation certificate issued by Dum Dum Municipality, no. 05959/60 issued by North Dum Dum Municipality in favour of the plaintiff, injury certificate of the son of the plaintiff, proceedings in connection with M.P. Case no. 3990 of 2023 at the Court of Executive Magistrate, Barrackpore, North 24 Parganas and complaint to the police.

It is apparent from the pleadings of the plaintiff and the documents so furnished that the plaintiff is the owner of the property mentioned in the schedule of the plaint. The balance of convenience suggests that the plaintiff should be accorded with the preventive relief in form of an ad interim order of injunction restraining the defendants from causing disturbance to the peaceful right of possession of the plaintiff.

Hence, it is

ordered

that the prayer for ad-interim order of injunction U/o-XXXIX Rule 1 and 2 of CPC be and the same is granted. The defendants are hereby restrained from causing disturbance to the peaceful right of possession of the plaintiff over the suit property. This order shall be effective till 05.10.2023. The plaintiff is hereby directed to comply with the provisions of Order XXXIX Rules 3(a) and 3(b) of the C.P.C at once in default whereof the order shall stand vacated automatically. Issue notice calling upon the defendants to show cause within 20 days from the receipt thereof as to why the order of temporary injunction shall not be granted against them.

DA is hereby directed to update the case in CIS accordingly.
Fix 05.10.2023 for S.R and appearance.

Civil Judge (Jr. Divn.)
Bidhannagar

