

23.08.2017

The case record is put up 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.

Plaintiff's case is that the plaintiff has purchased a suit flat from one Monotosh Chakraborty by way of registered deed of conveyance and the plaintiff went to the suit property on 20.7.16 and asked the defendant to vacate the possession of the same but the defendant prayed for 6 months time but even after expiry of 10 months the defendant failed and neglected to handover the vacant possession of the suit property to the plaintiff and now their possession to 3rd party and the plaintiff prays for an order restraining the defendant from handing over the possession of the suit property to any 3rd party. 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.

It appears from the record and the petition u/o.39 rule 1&2 and the documents which has been produced by the plaintiff at this stage that the plaintiff has produced one registered deed of conveyance from which it prima facie appears that he has purchased the suit flat hence for avoiding multiplicity of proceedings and to preserve the suit property as it is this court is inclined to allow plaintiff's application at this stage.

Hence, it is,

ORDERED

that the defendant are hereby restrained from handing over the possession of the suit property to any 3rd party till 23.10.17.

Plaintiff to comply the provision u/o.39 rule 3(a) and 3(b) of CPC. Plaintiff is put requisites at once. To 23.02.18 for SR and AD.

D/c by me

Judge

C.J.(Jr.Divn.)3rd Court