

Title Suit No.494 of 2026
Reg. No.494 of 2026
CNR : WBSP11-000558-2026

J.O. Code No.WB01144

Order Dated 04.08.2026 (Later)

The plaintiffs have moved an application for ad interim injunction.

It appears from the report of the Sheristadar In-Charge that no caveat has been filed and is pending till date in the present suit.

Accordingly, the case record is taken up for hearing of the ad interim injunction prayer of the plaintiffs.

Heard Ld. Advocate for the plaintiffs.

Perused the plaint, injunction application as well as documents filed by the plaintiffs.

Considered.

It appears from the plaint and the application that the Schedule mentioned suit property is the undivided property and both the plaintiffs and the defendants are co-sharers in respect of the same. The plaintiffs although requested the defendants to make partition of the suit property by metes and bounds but, the defendants refused to the said proposal of the plaintiffs. On the other hand, the defendant nos.1 and 2 have been trying to dispossess the plaintiffs from the suit property and also to change the nature and the character of the suit property. The plaintiffs have thus, filed the present application and prayed for relief.

It appears at this stage that prima facie the Schedule mentioned suit property is the joint property of the plaintiffs and the defendants of this suit. Considering the materials on record, I am of the view that the Schedule mentioned suit property is required to be preserved in its status quo at this stage.

Hence, it is,

ORDERED

that both parties viz, the plaintiffs and the defendant nos.1 and 2 are directed to maintain status quo in respect of the nature, character and possession of the Schedule mentioned suit property as on this date till 05.09.2026.

Issue notice upon the defendant nos.1 and 2, directing them to show cause within 14 days of receipt of notice as to why the temporary

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injunction application shall not be heard against them.

Plaintiffs are directed to comply the provision under Order 39 Rule 3 (a) and 3 (b) of CPC at once.

Plaintiffs to file requisites at once.

The plaintiffs have also moved the application for local inspection.

Heard submission of the Ld. Advocate for the plaintiffs.

Perused the plaint, the application for local inspection dated 04.08.2026 filed on behalf of the plaintiffs and other materials available on record.

Considered.

It appears from the application that the plaintiffs have prayed for local inspection commission in respect of the points mentioned in the Schedule of the application.

Upon perusal of the application, I find that the application, if allowed, it will bring the real picture of the suit property before this Court.

Hence, it is,

O R D E R E D

that the application for local inspection dated 04.08.2026 filed on behalf of the plaintiffs is hereby allowed but, without any order as to costs.

Let **Sri Nityananda Mondal** be appointed as Ld. Advocate Commissioner for the purpose of holding inspection commission in respect of this suit.

Ld. Commissioner is directed to visit the locale after serving notice to the plaintiffs and the defendants and hold commission work in respect of the points as enumerated in the Schedule of the application and submit report before this Court positively by the next date.

Ld. Advocate Commissioner is further directed to take photographs of the suit property before beginning the Commission work and to submit the photographs along with the Commission Report positively before this Court.

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The plaintiffs are directed to deposit an amount of Rs.2,000/- towards commission fees and file receipt immediately.

The plaintiffs are also directed to file copy of the plaint, application dated 04.08.2026 and requisites immediately.

Issue writ after payment of Commissioner's fees.

The application for local inspection dated 04.08.2026 filed on behalf of the plaintiffs thus, stands disposed of.

To date i.e. 05.09.2026 for commissioner's report.

Dictated & corrected by me

Civil Judge (Sr. Divn.),
Diamond Harbour,
South 24-Parganas.

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Diamond Harbour,
South 24-Parganas.
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