

IN THE COURT OF DISTRICT JUDGE, SOUTH 24 PARGANAS AT ALIPORE.

Present:- Sri Ajay Kumar Gupta, District Judge at Alipore.

Misc Appeal No.65 of 2020

Order No.02, dated 06/03/2020.

The record is put up today by way of put up petition and Ld. Advocate for the Appellant/Plaintiff has moved today his petition under Order 39 rule 1 and 2 read with Section 151 of the C.P.C.

Heard. Considered.

It appears from the record that the appeal is filed within the specified period of limitation. Accordingly, I do not find any impediment to allow this appeal.

Thus, the appeal is admitted.

The record is taken up hearing.

As per office report no caveat lodged.

It appears from the record itself that the Appellant/Plaintiff is the sole and absolute owner in respect of the suit property by virtue of registered Deed of Conveyance dt. 09.09.2015 and after purchasing the same Appellant / Plaintiff is in possession of the suit property free from all encumbrances and since the date of purchase the Appellant/Plaintiff still cultivating over the suit property. The suit property is the piece and parcel of land measuring about 8 ½ Sataks more or less lying and situated at Pargana-Magura, Mouza-Raipur, Touji No.14, J.L. No.12, R.S. Khatian No.90 & 91, L.R. Khatian No.97 subsequently 334, R.S. & L.R. Dag Nos. 161, under Village – Raipur, Post Office – Kanganberia, Police Station – Bishnupur, District-South 24 Parganas, Pin Code – 743503, A.D.S.R. Bishnupur within the jurisdiction of Khagramuri Gram Panchayet, which is the subject matter of the suit. Now, the Respondents/Defendants being the stranger with the help of their men and agents are trying to create problems in peaceful possession and enjoyment of the Appellant/Plaintiff in respect of the suit property and to make attempts for encroaching, grabbing the suit property by dispossessing the Appellant/Plaintiff forcibly and illegally there from. Hence, the Respondents/Defendants are required to be restrained by an order of ad interim injunction otherwise the Appellant/Plaintiff will suffer irreparable loss and injury.

In view of the above fact, this court is preferred to allow the prayer for ad interim injunction filed by the Appellant/Plaintiff considering the prima facie case and balance of convenience and inconvenience in favour of the Appellant/Plaintiff.

Issue show cause notices upon the Respondents/Defendants asking them as to why the Appellant's/Plaintiff's prayer for ad interim injunction should not be allowed.

Appellant/Plaintiff is directed to comply with the provision under Order 39 rules 3(a) and 3(b) of the C.P.C.

Requisite to be put in forthwith.

However, the Respondents/Defendants/ are at liberty to apply to the court for discharge or variation on vacating of the order, as above, as per the principle u/s 39 rule 4 of the C.P.C.

To 03/04/2020 for S/R and A/D.

D/C by me

Sd/- Ajay Kumar Gupta

District Judge

Sd/- Ajay Kumar Gupta

District Judge

