

TS 01/23

CNR No. WBSP17-000001-2023

(J.O. Code-WB00823)

Order No.02 dated 04.01.2023

Seen the Caveat note of the Sdr.

Hd Ld Advocate for the plaintiffs in respect of the prayer u/o XXXIX R 1 and 2 r/w s 151 CPC praying for ad interim injunction against the defendants.

Perused the case record and petition u/o XXXIX R 1 and 2 r/w s 151 CPC and the papers and document filed by the plaintiffs.

Considered.

Issue notice upon the defendants directing them to show cause within 7 days of its receipt thereof as to why the plaintiffs' prayer for temporary injunction shall not be granted.

Hd the Ld Advocate on behalf of the plaintiffs who submits that the plaintiff and the defendants are co-sharers and that the defendants are interfering the peaceful possession of the plaintiff. Plaintiff has therefore prayed for an order of ad interim injunction restraining the defendants from interfering the peaceful possession of the plaintiff and for a further order of an injunction restraining the defendants from changing the nature and character of the suit property.

Heard the Ld Advocate on behalf of the plaintiff.

Considered.

Perused the documents filed by the plaintiff. From the information slip pertaining to LR plot no. 1848 it appears that there are total 18 co-sharers but the plaintiff has added only 12 co-sharers and including the plaintiff there are 13 co-sharers in this suit but plaintiff has not given any explanation as to why in a partition suit the other co-sharers have not been made parties.

In the given premises I am compelled to hold that the plaintiffs do not have a strong prima facie case and neither will the plaintiffs suffer irreparable loss and injury if an order of ad interim injunction is not issued in their favour.

The balance of convenience and inconvenience do not tilt in favour of the plaintiffs.

Hence, prayer for ad interim injunction is considered and refused at this stage.

Sd/-

D/C

ACJM-cum-CJSD, Kakdwip

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