

Title Suit No.97 of 2023

Regd No.72 /23

(J.O. Code-WB00823)

Order No. 02 dated 08.05.2023

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 submit in details as to how the plaintiff acquired his right, title and interest over the suit property and the defendants acquired their right, title and interest over the suit property. The Ld Advocate on behalf of the plaintiff has submitted that the defendants are interfering with the peaceful possession of the plaintiffs and they have therefore, prayed for an order of ad interim injunction.

Heard. Considered.

This is a suit for partition in which each of the co-sharers have absolute right, title and interest over each inch of land.

In my considered view, the balance of convenience and inconvenience tilts in favour of the plaintiff and I am of the view that the plaintiffs have a strong prima facie case to go into trial and that the plaintiff will suffer irreparable loss until and unless an order of ad interim injunction is issued in favour of the plaintiffs.

Hence, the prayer for ad interim injunction is allowed.

Hence, it is

ordered

that the prayer u/o XXXIX R 1 and 2 r/w s 151 of the CPC praying for ad interim injunction is hereby considered and both the parties are directed to maintain status quo in respect of the nature, character and possession in respect of the property described in the schedule of the plaint, till 08.06.2023.

Plaintiffs to file requisites at once complying the proviso laid down u/o XXXIX R 3 (a) and (b) CPC.

Issue notice accordingly.

To date.

Sd/- Sushmita Gayen

D/C

ACJM-cum-CJSD, Kakdwip

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