

T. S. No. 92 of 2022
CNR No. WBSP17-000420-2022
(J.O. Code-WB0962)

Order no. 05 dated 03-06-2022

Record is placed before me by way of put-up petition.

Ld. Advocate for the plaintiff filed and moved the injunction application.

No caveat is pending as per report of the Sherestadar.

Heard Ld. Advocate for the plaintiff. Perused the record carefully. Considered.

This is a suit for partition and injunction.

Plaintiff's case, in short is that the plaintiff and the defendants are the co-sharers in respect of the undivided suit property and they are in the joint possession of the same. It is alleged by the plaintiff that the defendants are threatening to grab excess land than their own share in the suit property. It is also alleged by the plaintiff that the defendants are trying to dispossess them and also trying to change the nature and character of the suit property. Learned Advocate for the plaintiff prayed for passing an order of ad-interim injunction against the defendants.

The plaintiff has annexed the documents with the injunction petition which are carefully perused.

It prima facie appears that the plaintiff and the defendants are the co-sharers and they are in joint possession of the undivided suit property. The defendants have also refused the request of the plaintiff for amicable partition of the suit property. So there is prima facie case in favour of the plaintiff to go into the trial. Moreover, it appears that the matter is such that if no injunction is granted at this stage, the object of granting the injunction would be defeated by delay.

Hence, it is

O R D E R E D

that the ad-interim relief, as prayed for by the plaintiff is hereby allowed. Both the parties are directed to maintain status quo in respect of the nature and character of the suit property till **04.07.2022**.

Issue notice upon the defendants asking them to show cause within 15 days from the date of receipt of notice as to why the plaintiff's prayer for temporary injunction shall not be granted against them.

Plaintiff is further directed to comply the provisions of Order 39 Rule 3(a) & 3(b) of C.P.C.

Requisites at once.

Sd/-

(Civil Judge, Sr.Divn., Kakdwip)

D/C

Sd/-

(Civil Judge, Sr. Divn., Kakdwip)

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Later Order no. 5 dated: 03-06-2022

The petition for local inspection is taken up for hearing as it appears from the report of the office that no caveat has been lodged in connection with this case.

Heard the learned lawyer and perused the case record.

Considered.

It appears that such local inspection is necessary for a proper appreciation and adjudication of the case to come out the real picture of the suit property, and the very purpose shall be defeated if there is a delay.

Hence, the application stands allowed.

Sri Gouranga Das a learned member of the bar, is hereby appointed as the inspection commissioner.

The petitioner is directed to deposit/pay a sum of ₹ 2,000/- towards the fee of the learned commissioner.

Immediately upon such payment the learned commissioner, upon due notice to all the parties, shall visit the locale and hold the inspection with reference to the points mentioned in the application.

Todate (i.e. **03.08.2022**) for submission of report by the learned commissioner.

Requisites accordingly.

Sd/-

(Civil Judge, Sr. Divn., Kakdwip)

D/C

Sd/-

(Civil Judge, Sr. Divn., Kakdwip)