

Title Suit No.177 of 2025

Regd No.177/2025

(JO Code: WB01068)

Order no. 02 : Dated: 26.08.2025

The case record is put up today.

Seen the Caveat note of the Sdr.

Hd Ld Advocate for the plaintiff 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 documents filed by the plaintiff.

Considered.

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

Hd the Ld Advocate on behalf of the plaintiff 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 trying to grab excess land and also trying to make new construction and are also trying to change the nature and character of the suit property as well as threaten to dispossess the plaintiff from the suit property and interfering with the peaceful possession of the plaintiff and ld advocate has 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 plaintiff has 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 plaintiff.

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 25.09.2025.

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

Issue notice accordingly.

D/C by me

Sd/-

ACJM-cum-CJSD, Kakdwip

Sd/-

ACJM-cum-CJSD, Kakdwip

Later:

The learned advocate files a petition for withdrawal of the original documents filed by the plaintiff.

Heard Ld. Advocate for the plaintiff. Perused the petition and other materials on record.

It appears that the petition is duly verified. Accordingly, the petition is allowed.

Let the documents filed by the plaintiff be returned through his learned lawyer on proper receipt and identification on condition to refile the same as and when called for.

The petition is thus disposed of accordingly.

Sd/-

D/C

ACJM-cum-CJSD, Kakdwip

Sd/-

ACJM-cum-CJSD, Kakdwip