

Title Suit – 56/2025
Reg. No.-T.S. 56/2025
CNR: WBBB03-000125-2025

11
21.05.2026

Today is fixed for exparte hearing of the injunction application, and proper steps upon defendant no.3.

Parties are present before this court today.

Plaintiff files an application under Order 1 Rule 10(2) CPC, which is taken up for hearing.

Perused. Heard. Considered.

It appears that the plaintiff has prayed for expunging the names of defendant no.3 from the suit property. The petition is hereby allowed for the interest of justice.

Hence, it is,

ORDERED

that the petition Under Order 1 Rule 10(2) of C.P.C., dt., 21.05.2026, is allowed but without any costs.

Let the name of the proposed person as mentioned in the petition, be expunged from the cause title of the plaint.

LATER,

Defendant no.1 & 2 pray to vacate the exparte order passed on 05.03.2026.

Perused. Heard. Considered.

The prayer of the defendant no.1 & 2 is allowed in the interest of justice with cost of Rs.500/-.

LATER,

Ld. Advocate for the plaintiff submitted to pass an order in respect of injunction application filed by him on 21.05.2025.

The petition for injunction application is taken up for hearing.

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It is submitted by the plaintiff that suit property is a purchased property of the plaintiff and his name is duly recorded in the L.R.R.O.R. According to the plaintiff, defendant no.1, 2 & 3 is trying to dispossess the plaintiff from the suit property by raising construction over the suit property.

The plaintiff submitted that he is in the possession of the suit property. Hence, prayed before this Court to pass an order of injunction restraining the defendant no.1,2 & 3 from dispossessing the plaintiff from the suit property.

Ld. Advocate for the defendant no.1 & 2 filed written objection against the injunction application and submitted that they are in possession of the suit property. They also submitted that the property is unpartitioned and if an order of injunction is passed, it will cause irreparable loss and injury.

Heard both sides. Perused the petition, W.O., pleadings and the relevant documents submitted by both sides.

Considered.

Before delving into the merit of the instant petition, it is pertinent to mention that an interim order of injunction is already subsisting, vide order dated 22.05.2025 through which the both parties are directed to maintain *status quo* in respect of nature, character and possession of the suit property.

Now, reverting back to the consideration of the instant injunction application, it *prima facie* appears that both plaintiff and defendants are claiming their possession over the suit property but if the status of the petitioner is adjudicated at this stage only on the basis of the documents

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filed by them then it will lead to mini trial. At this stage, the documents of either side cannot be taken as sacrosanct, neither any conclusive opinion can be formed. Here the plaintiff is claiming the absolute the right, title and interest over the suit property which is subject matter of recording of evidence and trial. An interim order has already been passed to a limited extent so as to restrict multiplicity of proceeding and to preserved the subject matter in dispute. The *prima facie* case which is depicted by the petitioner cannot be thrown out in toto. If the court proceeds with the case by making the interim order absolute then it will restrict multiplicity of proceeding and also lead the way to the trial of this case. Withholding the temporary injunction will cause more inconvenience to the petitioner. And if the temporary injunction is rejected the petitioner may suffer irreparable loss and injury.

Hence, it is,

ORDERED

That the petition under order XXXIX Rule 1 & 2 read with section 151 C.P.C., dated 21.05.2025 is considered and *allowed* on contest without any order as to cost.

Both parties are hereby directed to maintain *status quo* in respect to the nature, character and possession of the suit property till disposal of the suit.

The petition dated 21.05.2025 under Order XXXIX Rules 1 and 2 read with Section 151 of C.P.C. is hereby disposed of on contest.

LATER,

Ld.Advocate for the plaintiff also file an extension petition to extend the ad-interim order of injunction.

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The petition is rejected as the injunction application is already disposed of in view of the observation made above.

Fix **14.07.2026** for SR of defendant no.4 to 13 and framing of issues.

Dictated & corrected by me.

Civil Judge (Sr. Divn.),
Suri, Birbhum.

Civil Judge (Sr. Divn.),
Suri, Birbhum.
JO-WB01284