

In the Court of Civil Judge (Jr. Div), Gangarampur at Buniadpur

Present: Priyanka Thapa

Civil Judge (Jr. Div)

J.O. Code: WB01586

TS-198 of 2026 Reg. No- 201 of 2026

CNR: WBDD07-000420-2026

02

12.08.2026

The record is put up today by way of a put-up petition.

Ld. Advocate for the Plaintiff submits that hearing the ad-interim injunction application at this stage is of utmost urgency, failing which, the present Plaintiff may suffer irreparable loss at the hands of the Defendant.

Considering the gravity of the prayer made by the Plaintiff, the application for an ad interim injunction hearing under Order XXXIX Rule 1 (a) (b) (c) read with Section 151 of the Civil Procedure Code is taken up.

As per the office report, no Caveat is being filed.

This is a suit for declaration of title and permanent injunction.

The injunction application is taken up for consideration.

Heard Ld. Advocate for the Plaintiff. Perused the injunction application, materials on record and other documents filed by the Plaintiff.

A synoptic representation of the instant application is that the subject matter of the instant suit is situated in the northern side of Plot No. 381, Khatian No. 927, Mouza Ujil, J.L. No. 106, P.S Kushmandi, District Dakshin Dinajpur, measuring an area of 34 decimals out of total 68 decimals (hereinafter referred to as the suit-scheduled property).

The Plaintiff asserts that the suit-scheduled property was a joint property originally owned by Raijat Ali and others. Approximately 23 years ago, the Plaintiff and the Defendant, as husband and wife, had purchased the property jointly and subsequently partitioned it mutually. The Plaintiff asserts long-standing separate possession over the northern 34 decimals, which has been recorded in her name under Khatian No. 927.

The Plaintiff alleges that matrimonial disputes arose between them, leading to physical torture, the filing of a maintenance case being M.R. Case No. 90/2026 before the Court of Ld. Judicial Magistrate, police complaints, and an injury report. The Plaintiff asserts that on 07.08.2026, the Defendant along with others attempted to forcibly dispossess the Plaintiff from the northern 34 decimals of the suit-scheduled property, cultivate it forcefully, and change its nature and character under threats of violence.

To make out a prima facie case in favour of the Plaintiff, the Plaintiff has filed xerox copies of Khatian No. 927, FIR filed by the Plaintiff, Injury Report, and copy of e-Court Filing regarding M.R. Case No. 90/2026.

Having heard and considered the submission of Ld. Advocate for the Plaintiff, and also, on going through the materials on record, it appears that a triable prima facie case exists in favour of the Plaintiff. The available materials on record indicate a genuine property rights dispute and recorded possession over the specific portion.

The Plaintiff claims that the suit-scheduled property is her primary source of income and is in her possession. If the defendant alters the physical nature of the land or dispossesses the Plaintiff prior to giving notice and hearing the Defendant, the Plaintiff would suffer severe hardship. The balance tilts in favour of preserving the status quo as on date. Any forcible displacement, structural alteration, or unauthorized cultivation and creation of third-party interest on the suit-scheduled property before the preliminary appearance of the Defendant would cause harm that cannot easily be measured or compensated in monetary terms.

Further, taking into consideration the dynamic nature of the dispute, recent violent altercations supported by the submitted FIR, injury report, and continuous threats of dispossession, the Court is satisfied that the purpose of granting an injunction would be defeated by delay if notice were served prior to granting temporary protective orders.

Considering the urgency of the matter, I find that if an ad-interim order of injunction is not granted in favour of the Plaintiff, the Plaintiff may suffer irreparable loss and injury, thereby defeating the object of the injunction application and leading to multiplicity of suits.

Hence, it is,

ORDERED

that the ad-interim prayer is considered and **allowed**.

The Plaintiff and Defendant are directed to maintain the status quo in respect of the possession, nature and character of the suit-scheduled property as mentioned in the schedule of the application till the **next date**.

Issue notice upon the Defendant, directing them to show cause within fifteen days of receiving this notice as to why the prayer of the Plaintiff for a temporary injunction should not be granted against them.

The Plaintiff is directed to file requisites as per the provisions of Order 39 Rule 3(a) and 3(b) of the C.P.C at once.

To date for S/R and injunction hearing.

Typed by me.

Civil Judge (Jr. Div.)
Gangarampur at Buniadpur

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Gangarampur at Buniadpur