

**T.S. 28/22 (CIS -48/17)**  
CNR-WBWM11-000061-2017

**Order No. 88 Dated 21.04.2026**

Today is fixed for passing order in respect of the petition dated 29.01.2026 filed by the plaintiff.

Both parties filed their representative haziras through their Ld. Advocates.

Ld Advocate of the plaintiff submitted that one deed being no 1631 dated 29.03.1965 which has been marked as 'X' for identification and that deed must be exhibited as per the order of Calcutta High Court in C.O. 1883 of 2019 and previously the plaintiffs has already filed one application and prayed before this this Court to exhibit that deed being no 1631 dated 29.03.1965 as per the order of Hon'ble High Court and again the plaintiff prayed before this Court the same prayer to exhibit the said deed.

Ld. Advocate of the defendant raised strong objection against the instant petition and submitted that this Court has already passed an order on its earlier order and rejected the plaintiff's prayer now again the plaintiff came up with a same prayer before this Court and the Ld. Advocate of the defendant prayed for the rejection of the instant petition.

Heard & considered .

Peruse the case record and it transpires that , on 23.12.2025, this Court has disposed one application dated 11.06.2025 filed by the plaintiff and by such order this Court has clearly mentioned in its order that the plaintiff has to prove the execution of the alleged deed as the defendant has challenged the execution of the alleged deed and to prove the execution of the deed the plaintiff must have called for the Volume Book of the alleged deed before this Court and moreover the plaintiff has not preferred any appeal against the order dated 23.12.2025 passed by this Court before any upper forum and in this circumstance this Court could not pass any review order against its earlier order . Hence, it is

O R D E R E D

that the petition dated 29.01.2026 filed by the plaintiff be and the same is hereby rejected with contest.

Next date **16/05/2026** for evidence of P.W.4.

T/C by me

S/d- Lipika Das  
Civil Judge Jr. Div. Additional Court  
Garhbeta.



**T.S. 8/24 (CIS -15/24)**  
CNR-WBWM11-000024-2024

**Order No. 20, Dated 20.04.2026**

Today is fixed for passing order in respect of the petition dated 05.01.2026 filed by the plaintiff.

Both parties filed their representative haziras through their Ld. Advocates

The Ld. Advocate of the plaintiff submitted before this Court that the suit has been filed with formal defect and all the proper parties are not made parties in the present suit and the and the father of the plaintiff namely Daresh Khan who is alive but mistakenly it has been shown in the plaint that he is dead and there is no mention of cause of action in the plaint as it is a formal defect and the plaintiff prayed before this Court to withdraw the suit with a liberty to file a fresh suit.

The Ld. Advocate of the defendant raised strong objection against the present petition and submitted that father of the plaintiff is alive but the plaintiff stated in his plaint that his father is dead and the plaintiff also stated in his plaint that the suit property was adversely possessed by him and the plaintiff stated that he is possessing the suit property for last 22-23 years adversely. The Ld. Advocate of the defendant further submitted that once the plaintiff stated that he is in adverse possession of the suit property, again the plaintiff stated that suit property is his purchased property and again the plaintiff stated that suit property has given to the plaintiff by the defendant and this is totally contradictory statement and the framing of plaint is totally contradictory and the plaintiff has intentionally hide the actual fact that his father is alive and the defendant prayed for the rejection of the plaint without liberty.

Heard & considered.

Peruse case record and all the material available in the record and it transpires that the plaintiff has instituted the present suit with a prayer of decree of declaration of 16 annas right, title, interest and possession of the suit property and a prayer of permanent injunction. But the plaintiff has also stated in his plaint that his father was in possession of 06 decimal of property for last 45-50 years then the plaintiff stated that he made an agreement to purchase the said 06 decimal of property with the defendant and after that the plaintiff stated that he forcefully got the possession of the suit property after forcefully dispossessed the defendant from the suit property on 7th Kartick, 1398 B.S. All the facts, in the plaint are self contradictory and moreover the plaintiff has stated in his plaint that his father is no more and now he is submitting that his father is alive and need to be added as party in the suit and also need to add some other significant ground in the plaint with a fresh suit. The intention of the plaintiff is very clear, as to mislead the Court by his vexatious grounds.

According to **O.II. R.2 of CPC**, ***Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.***

Here, the plaintiff not only relinquish the actual fact before this Court, rather the plaintiff stated a false statement in his plaint and that intention of the plaintiff can not be tolerated by this Court by providing him with an opportunity or liberty to withdraw the suit with all the defects which are not at all formal in nature and permit him to file a fresh suit. Hence, it is,

**ORDERED**

that the petition dated 05.01.2026 filed by the plaintiff is hereby allowed with contest.

**The suit being T.S. 08/24 is being withdrawn.**

**And this Court has not gave any liberty to the plaintiff to file a fresh suit.**

B/C is hereby directed to give necessary note in the relevant Suit Register.

D/C by me

S/d- Lipika Das  
Civil Judge . Jr. Div Additional Court  
Garhbeta.

**T.S- 34/25 (CIS- 38/25)**

(CNR- WBWM11-000053-2025)

**Order No. 09 Dated 21/04/26**

Today is fixed for filing W.S .  
Plaintiff files hazira through Ld. Advocate.  
Defendant files a petition praying for time for filing W.S on the  
ground stated therein.  
Herad, Considered.  
Prayer for adjournment by Defendant is allowed.

Fix **02 /06/2026** for filing W.S by Defendant No. 1 to 7.

S/d- Lipika Das  
Civil Judge Jr.( Div) Addl.Court  
Garhbeta, Paschim Medinipur  
Judicial Code WB01579

**T.S- 04/26 (CIS-04/26)**  
(CNR- WBWM11-000007-2026)

**Order No. 04 Dated 21/04/26**

Today is fixed for filing W.S and W.O.  
Parties files hazira through Ld. Advocate.  
Ld. Advocate for the plaintiff files a verified petition praying for necessary order for time and extention of ad-interim injunction . Prayer for plaintiff is **allowed** and injunction is **extended** till the next date.  
Defendant files two separate petitions praying for time for filing W.S and W.O on the ground stated therein.  
Herad, Considered.  
Prayer for adjournment by Defendant is allowed.

Fix **12 /05/2026** for filing W.S, W.O by Defendant No. 1.

S/d- Lipika Das  
Civil Judge Jr.( Div) Addl.Court  
Garhbeta, Paschim Medinipur  
Judicial Code WB01579

**T.S- 26/24 (CIS-50/24)**

(CNR- WBWM11-000053-2025)

**Order No. 09 Dated 24/04/26**

Record is put up today.

Hon'ble High Court Calcutta declared holiday due to West Bengal Legislative  
Assemble Election-2026, **vide Notification No. 703 dated 9<sup>th</sup> April 2026.**

Accordingly Suit is adjourned today.

Fix **12 /05/2026** for evidence.

S/d- Lipika Das  
Civil Judge Jr.( Div) Addl.Court  
Garhbeta, Paschim Medinipur  
Judicial Code WB01579