

**(Title Suit –43/ 25 (CIS-47/25)
(CNR -WBWM11 - 000064 -25)**

“No caveat” is pending.

Plaintiffs have filed the instant suit against the defendants seeking declaration and permanent injunction.

The plaintiff filed an injunction petition under O. 39, R. 1 & 2 of CPC read with section 151 of CPC ,along with the plaint against the defendant nos. 1 to 3 in respect of the suit property mentioned in the schedule of the the plaint.

The facts of the case in nutshell, Dist – Paschim Medinipur , P.S.- Chandrokona , J.L. No 106, mouza- Akotkola ,L.R. khatian no 413 and 76, 44 decimal in suit plot no 480, 0.67 decimal in suit plot no 72/674,8.8 decimal in suit plot no 604, 24.02 decimal in suit plot no 605, 03 decimal in suit plot no 606, 1.67 decimal in suit plot no 552, 02 decimal in suit plot no 556, 1.67 decimal in suit plot no 557, 7.6 decimal in suit plot no 569, 3.1decimal in suit plot no 585, 2.8 decimal in suit plot no 607, 18.65 decimal in suit plot no 608, 0.67 decimal in suit plot no 558, 03 decimal in suit plot no 135/690, 26 decimal in suit plot no 478, 9.67 decimal in suit plot no 384, 0.84 decimal in suit plot no 532,1.67 decimal in suit plot no 301, 1.67 decimal in suit plot no 302, 1.67 decimal in suit plot no 303, 1.67 decimal in suit plot no 304, 01 decimal in suit plot no 305, 7.67 decimal in suit plot no 333, 1.67 decimal in suit plot no 284, 0.67 decimal in suit plot no 288, 01 decimal in suit plot no 290,0.67 decimal in suit plot no 291,0.67 decimal in suit plot no 295,0.67 decimal in suit plot no 296,0.67 decimal in suit plot no 131,03 decimal in suit plot no 132,4.66 decimal in suit plot no 33,2.34 decimal in suit plot no 37, 1.3 decimal in suit plot no 38, 6.67 decimal in suit plot no 40, 6.34 decimal in suit plot no 56, 7.67 decimal in suit plot no 569,05 decimal in suit plot no 570,13.3 decimal in suit plot no 571,1.67 decimal in suit plot no 584,18.3 decimal in suit plot no 480, 03 decimal in suit plot no 481,02 decimal in suit plot no 496,01 decimal in suit plot no 496/790,1.34 decimal in suit plot no 269,0.34 decimal in suit plot no 270,0.41 decimal in suit plot no 271,0.34 decimal in suit plot no 272, 0.167 decimal in suit plot no 273, 0.056 decimal in suit plot no 274, 1.75 decimal in suit plot no 275, 0.67 decimal in suit plot no 276, 0.5 decimal in suit plot no 277, 0.34 decimal in suit plot no 278, 01 decimal in suit plot no 279, 0.5 decimal in suit plot no 281, 0.4 decimal in suit plot no 282, 0.2 decimal in suit plot no 528, 6.67 decimal in suit plot no 475 and 37 decimal in Raska mouza , khatian no 211, are the suit property of this suit . According to the plaintiff the property in 480 dag previously belonged to one Binodini Dasi as raiyat and during her ownership she executed one registered sale deed being no 4039 on 30.06.1992 and registered on 13.07.1992 before the Medinipur D.S.R. in favour of plaintiff defendant no 1 and their other three brothers and handed over the possession of the property to them. The plaintiff further stated that , except the property of 480 dag rest of the suit property was belonged to the father of the plaintiff namely Surendranath Mondal and after death of Surendranath Mondal his property devolved upon plaintiff,defendant no 1 and his other three sons in equal shares and all of them were in possession of the property and all of them are in possession of their property as per one amicable partition between themselves. After that the defendant no 1 executed one registered deed of gift dated 07.12.2022 in favour of the plaintiff and transferred his all shares in the suit property and since then the plaintiff is in possession of the property inherited from his father and property acquired by gift deed and plaintiffs has been recorded in L.R. ROR in khatian no 413 and 47 in both the suit mouza. As the defendant no 1 gifted his share in favour of the plaintiff now the plaintiff is in possession of his share by amicable settlement with his other brothers and on 15.06.2025 the defendant no 1 with the help of some anti social persons threatened the plaintiff that they will dispossess the plaintiff and take forceful possession of the suit property and they will uprooted the agricultural produce of the plaintiff and take away them . The plaintiff informed the matter to the local P.S. but the local P.S. did not take any steps against the defendant and now the plaintiff compelled to institute this present suit against the defendant.

The cause of action arise on 15.06.2025 in the suit property J.L. No 621, mouza-Akotkola and Raska , P.S. Chandrokona, Dist - Paschim Medinipue, within the jurisdiction of this Court .

The plaintiff has filed some documents at the time of submission of the injunction petition and they are xerox copy of gift deed dated 7.12.2022, R.S of parcha in the name of Binodini Dasi, R.S of parcha of khatian 40/01, 41/1 in the name of stands in the name of Surendranath Mondal ,Parcha in the name of the defendant no 1 , copy of complain before the Chandrakona P.S.

All the documents are duly returned to the plaintiff after completion of the hearing .

Perused the materials available on record.

Careful perusal of plaint, submission of the plaintiff and all the documents filed by the plaintiff apparently evident that plaintiff has some interest in the suit property and the suit perfectly fit for trial and there is a clear dispute between the plaintiff and the defendant and for the time being the possession of the plaintiff must be secure and if the defendant be succeed to dispossess the plaintiffs from the suit property then plaintiff will suffer irreparable loss and injury . So, I find a prima facie case in favour of the plaintiff and balance of convenience and inconvenience also lies in favour of plaintiff. Accordingly, plaintiff is entitled to get ad interim order.

Hence, it is

ORDERED

that, the defendant is hereby restrained from taking forceful entry in the suit property and dispossess the plaintiff from the suit property and defendant is also be restrained to collect or take away the agricultural product of the plaintiff grown in the suit property in any manner

The order of ad interim injunction is subject to extension from time to time, if prayed for and allowed or unless changed or varied.

Plaintiffs are directed to comply with this order strictly according to law.

To date for filing objection by the defendants if any.

T/c by me.

Lipika Das
Civil Judge Jr.Divn Additional Court Garhbeta.