

**Title Suit - 58/25 ( CIS - 65/25)**  
**CNR – WBWM11 – 0000090 - 2025**

**Order No. 02 dated 12/08/2025**

The record has been taken up on the strength of an put up application filed by the plaintiffs .

“No caveat” is pending.

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

The plaintiffs filed an injunction petition along with the plaint against the defendant nos. 1 to 3 in respect of the suit property mentioned in the schedule of the petition as well as the plaint.

The facts of the case in nutshell, in Dist – Paschim Medinipur , P.S. Garhbeta, bagri – Pargona J.L. No 498, mouza - Gangra, L.R khatian 169, L.R.khatian 278,289,290,230,309 and 310in dag no 10 1.15 acre or 08456 part out of total 1.36 acre landed property ,is the suit property . According to the plaintiff, the suit property along with other properties was belonged to one Ragendranath Nandi and at the time of R.S. servey he took settlement of the suit property along with other properties from superior land owner namely Chapala Dasi and others and in R.S. khatian 169 plaintiffs predecessor namely Gopal Nandi's name along with other co sharers was recorded as per the afore said settlement and all the co sharers of R.S. khatian 169 had their exclusive possession as per the aforesaid settlement and ROR was prepared as per their exclusive possession. And accordingly the 1 acre and 26 decimal of land in Gangra mouza was recorded in dag no 10 in the name of Gopal Nandi as per his possession . Practically the total 1 acre and 36 decimal of land in dag no 10 was actually belonged to Gopal Nandi and later on 1 acre and 36 decimal of land in suit dag was recorded in L.R . khatian 49 in the name of Gopal Nandi . The said Gopal Nando who is the father of the plaintiffs , during his life time and being in possession of the suit property the said Gopal Nandi transferred 1/3rd of 45 decimal of his property in favour of the plaintiff no 1 by a registered deed of Gift being no 3152 dated 24.03.2006 and since then the plaintiff no 1 is in possession of the said property acquired by gift. The said Gopal Nandi also transferred 1/3rd of 45 decimal of his property in favour of the plaintiff no 2 by a registered deed of Gift being no 3153 dated 24.03.2006 and since then the plaintiff no 2 is in possession of that property. Likewise the said Gopal Nandi also transferred 1/3rd of 46 decimal of his property in favour of the plaintiff no 3 by a registered deed of Gift being no 3154 dated 24.03.2006 and since then the plaintiff no 3 is in possession of that 46 decimal of land. As per the plaint case 1/3rd share of the suit property that is 45 decimal of land has been recorded in the name of the plaintiff no 1 in L.R. khatian 278 , 1/3rd share of the suit property that is 45 decimal of land has been recorded in the name of the plaintiff no 2 in L.R. khatian 289 and 1/3rd share of th

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suit property that is 46 decimal of land has been recorded in the name of the plaintiff no 1 in L.R. khatian 290. The plaintiff no 3 has sold and transferred. 21 decimal of property out of his 46 decimal share in favour of defendants no 1 to 3 on 06.09.2011 by a registered deed of Sale being no 3476 and since then the defendants no 1 to 3 are in possession of their 21 decimal purchased property and the 07 decimal share of the defendant no 1 in suit dag no 10 has been recorded in his name in L.R. khatian no 230 , the 07 decimal share of the defendant no 2 in suit dag no 10 has been recorded in his name in L.R. khatian no 309 and the 07 decimal share of the defendant no 3 in suit dag no 10 has been recorded in his name in L.R. khatian no 310. Now , in the suit dag 10 of total 1 acre 36 decimal property , the plaintiff no 1 has 45 decimal , plaintiff no 2 has 45 decimal and plaintiff no 3 has 25 decimal after transfer to the defendant no 1 to 3 and each of the defendants have 07 decimal of land and in the suit dag no 10 there is property remains in the name of Gopal Nandi . According to the plaintiffs, the L.R. khatian 49 of 45 decimal recorded in the name of Gopal Nandi and the L.R. khatian 276 of 46 decimal recorded in the name of plaintiff no 3 and the total area of the suit dag is mentioned as 2.72 acre is erroneous and baseless. Practically , in suit dag no 10 out of total 1 acre 36 decimal of land ,the plaintiff no.1 have 45 decimal or .3333 part , the plaintiff no.2 have 45 decimal or .3333 part and the plaintiff no.3 have 25 decimal or .1839 part, defendant no.1 have 07 decimal or .0515 part, defendant no.2 have 07 decimal or .0514 part and defendant no.3 have 07 decimal or .05154 part . Actually in suit dag no 10 the plaintiffs have total 1 acre 15 decimal or .8456 part and the defendants have total 21 decimal or 1544 part and both the plaintiffs and the defendants are cultivating their lands as per their shares and for their convenience the defendants are used to enjoy the northern portion of the suit dag in east-west length direction and they possessed their remaining property in southern portion in east-west length direction. In the eastern portion of the suit dag there exists a communicable road and to grab the best portion of the suit property in excess of their property these defendants are started the work of plinth on 01.08.2025 and the plaintiffs some how resisted the defendants' illegal work but these defendants threatened the plaintiffs that they will dispossess the plaintiffs from the suit property and grab the best portion of the suit property which is situated by the side of the road on 03.08.2025 and the plaintiffs are compelled to institute this present suit.

The cause of action of the suit arose on 03.008.2025 or 17 th of Srabon , B.S.

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when the defendants gave threat to the plaintiffs to dispossess them from the suit property and grab the best portion of the suit property at P.S. Garhbeta, bagri – Pargona J.L. No 498, mouza - Gangra, with in the jurisdiction of this Court. . The plaintiff has filed some documents i.e., original gift deed dated 24.03.2006 being no 3152 in favour of the plaintiff no 1, original gift deed dated 24.03.2006 being no 3153 in favour of the plaintiff no 2, original gift deed dated 24.03.2006 being no 3154 in favour of the plaintiff no 3, certified copy of the sale deed dated 06.09.2011 executed by the plaintiff no 3 in favour of the defendants., certified copy of L.R. khatian 49, plot information of dag no 10, Khazna dakhula , certified copy of R.s khatian 169. All the documents are returned to the plaintiffs after completion of the hearing .

Perused the materials available on record & considered .

Perusing the material available in record , I have found the documents supplied by the plaintiffs are enough to establish a prima facie case in favour of the plaintiffs as the plaintiffs are in possession in the suit property and the defendants are also in possession a few portion of the suit dag if the defendants are successful to dispossess the plaintiffs and grab the best portion of the suit property by raising construction in the suit property , the plaintiffs will suffer loss. I found the balance of convenience and inconvenience of the fact lies in favour of plaintiffs . Accordingly, I have no doubt to allow this prayer of plaintiffs in ad interim form .

Hence, it is

**ORDERED**

that,the defendants no1 to 3 are hereby restrained from raising any kind of construction in the suit property which is situated in the eastern portion of the suit dag adjacent to the road as well and they are also be restrained from raising any kind of construction on the property which is excess to their share in the suit dag no 10.10.2025

The order of **ad interim** 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.

D/c by me.

Civil Judge Jr.Divn  
Garhbeta Additional Court