

Title Suit –64/ 25 (CIS-71/25)
(CNR -WBWM11 - 000098 -25)

Later:-

Contd...Order dated 04.09.2025

“No caveat” is pending.

Plaintiff has filed the instant suit against the defendants seeking declaration and permanent and mandatory 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 4 in respect of the suit property mentioned in the schedule of the the plaint.

The facts of the case in nutshell, Dist – Paschim Medinipur, Pargona - Bagri, P.S.

Garhbeta, J.L. No 660, mouza- Nischintapur, khatian no. 255, dag no. 4/312 01 decimal of bastu land out of 13 decimal is the suit property. According to the plaintiff, the suit property along with other properties were earlier belonged to Nirmal Ch. Mondal and others as their raiyat properties and on 28.10.1978 the defendant no. 2 of this suit purchased the suit property by a registered sale deed being no. 5849 and since then the defendant no. 2 was in possession of the said property and his name was recorded in L.R.R.O.R khatian no. 27.

After that on 22.11.2010 the defendant no. 2 gifted the suit property by a registered gift deed being no. 5884 in favour of the plaintiff of this suit along with the chowhaddi and placed the plaintiff in possession of the said property. Since then the plaintiff is in possession of the said suit property and in L.R.R.O.R khatian no. 255 plaintiff's name has been finally published.

Moreover, the plaintiff received the khajna receipts after paying to the concerned authorities.

Recently, due to his health issues the plaintiff moved out of State by remaining his house with lock and keys and by taking advantage of plaintiff absence the defendant raised illegal construction which is adjacent to the western side wall of plaintiff's premises and without any permission from local panchayet and as a result the plaintiff's premises wall causes damaged and according to this plaintiff near future the plaintiff will not able to make any repairment work of his said wall if there will be no gap or space. The plaintiff assuming that ultimately the plaintiff's premises will be demolished. After returning the plaintiff came to know about this illegal construction of the defendants and on 25.08.2025 the plaintiff asked the defendants to stop the construction wall and remove the said construction by leaving proper space between plaintiff's wall and defendants proposed construction. But the defendants did not pay and heed to the plaintiff's request, however, the defendants stated that they will forcefully acquired the

plaintiff's property and they will also dispossess the

plaintiff from his property which he acquired from defendant no. 2 and also gave life threat to the plaintiff. Accordingly, the wife of plaintiff on behalf of the plaintiff made a complaint before the local P.S being G.D.E no. 953 and the concerned police personnel try to stop the defendants from doing any such construction work but without any court order the defendants compelled the police personnel to return back. In this circumstances the plaintiff is compelled to institute this present suit against the defendants. Title Suit –64/ 25 (CIS-71/25) (CNR -WBWM11 - 000098 -25)

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The cause of action arise on 25.08.2025 when the plaintiff asked the defendants to stop the illegal construction work and the defendants refused to do so in the suit property Paschim Medinipur, Pargona - Bagri, P.S. Garhbeta, J.L. No 660, mouza- Nischitapur, within the jurisdiction of this Court.

The plaintiff has filed some documents at the time of submission of the injunction petition and they are original deed of gift being no. 4584 dt. 22.11.2010 stands in the name of plaintiff, L.R.R.O.R of khatian no. 255 stands in the name of plaintiff, rent receipts paid by the plaintiff in respect of the suit property. Copy of complaint dt. 25.08.2025 by the plaintiff before the Garhbeta 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, it is axiomatic that plaintiff has lawful interest over the suit property and all the documents supplied by the plaintiff supported that the plaintiff has prima facie case and it is also prominent from this document that the plaintiff has possession over the suit property. If the defendants will successful to raise any illegal construction without leaving any space it will cause harm to the plaintiff's property. 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 nos. 1 to 4 are hereby restrained from raising any kind of construction over the plaintiff's property or plaintiff's building and or they are restrained from any illegal or forceful dispossession of the plaintiff from 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.

Plaintiff 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.

Sd/- Lipika Das
Civil Judge (Jr. Divn.)
Garhbeta