

T.S- 46/22 (CIS-94/17)

Order No. 71 Dated 22/01/2025

Today is fixed for P.H.
New Advocate sri Shyamal Kumar Mahapatra has appointed by fresh
Vokalotnama behalf of plaintiff and praying for time for P.H on the
ground stated therein.

Heard. Considered.

Prayer for adjournment by plaintiff is allowed .
Defendants files hazira.

Fix : **18/02/2025** for P.H of the suit.

S/d- Lipika Das

Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

T.S- 28/24 (CIS-53/24)
(CNR- WBWM11-000083- 2024)

Order No. 06 Dated 21/01/2025

Today is fixed for S/R.

Ld Advocate for the plaintiff files a verified petition praying for necessary order for time and extension of ad-interim injunction. Prayer for adjournment by plaintiff is allowed, and ad-interim injunction is extended from till next date. Defendants No. 1 to 7 are appeared by fresh Vokalotnama and files two petitions, one of this praying for time for filing W.S, and other petition by praying for time for filing W.O on the ground stated therein.

Heard. Considered.

Prayer for adjournment by defendants are two petitions is allowed .

Defendants also files a petition supported by affidavit praying for necessary order.

Copy served. Let the petition be kept with the record.

Fix : 17/02/2025 for filing W.S and W.O and hearing petition and filing W.O in the meantime dated 21/01/2025.

Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

T.S- 63/22 (CIS-27/18)
(CNR- WBWM11-000062 -2018)

Order No. 50 Dated 20/01/2025

Ld. Advocate for the plaintiff files a petition praying for time for evidence of P.W-1 on the ground stated therein.

Heard. Considered.

Prayer for adjournment by plaintiff is allowed .
State Defendant files hazira.

Fix : 17/02/2025 for further evidence of P.W-1.

Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

M.S- 01/25 (CIS-01/25)

Order No. 02 Dated 17/01/2025

The present suit value exceeds the pecuniary Jurisdiction of this court. Hence, the
plaint has been returned to the plaintiff. To be returned to appropriate court.

S/d- Lipika Das
Civil Judge Jr.(Div) Addl.Court
Garhbeta, Paschim Medinipur
Judicial Code WB0 1479

OFFICE OF THE CIVIL JUDGE (Jr. DIV) ADDITIONAL COURT , GARHBETA,
PASCHIM MEDINIPUR.

No.

Dated

From:

Lipika Das
Civil Judge (Jr. Div),
Additional Court, Garhbeta.
Paschim Medinipur.

To.

The Ld. District Judge,
Paschim Medinipur.

Sub: Prayer for casual leave for one days on 13/01/2025

Respected Sir,

With due respect I am to inform you that for some personal work . So I request your good self to grant me casual leave for one day i/e 13/01/2025 oblige. I also pray before your honour to grant me permission to leave station after court hours on 10/01/2025, till the morning 15/01/2025 (11/01/2025 2nd Saturday, 12/01/2025 Sunday and 14/01/2025 being haliday), I shall re-join my office on and from 15/01/2025.

Sri Kishor Kumar Chakraborty J.M 2nd cum Civil Judge (Jr. Div) Court Garhbeta , Paschim Medinipur shall remain in charge of this Court in my absence.

Leave address :

Kolkata Tollygang.
M. No. 9002793239

Yours faithfully

Lipika Das
Civil Judge (Jr,Div).
Additional Court,Garhbeta.

Title Suit –4/25 (CIS - 4/25)

CNR – WBWM11 – 000008 - 2025

The record is put up today on the basis of put up petition filed by the plaintiff.

“No caveat” is pending.

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

The plaintiff filed an injunction petition under O 39 R 1 & 2 and under section 151 of CPC. along with the plaint against the defendant nos. 1 to 5 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 529, mouza - Ausabandi, 68 and 2/3 decimal of land out of 1 acre 03 decimal in R.S khatian 118, L.R. khatian 471,472,483,612,613,614,615,616 , 48 decimal out of 95 decimal in the eastern portion of dag no 298,37 decimal out of 73 decimal in the eastern portion of dag no 259, 18 decimal out of 37 decimal in the eastern portion of dag no 260,in the suit property and in the north of the suit property there is property of Garar Mandi, in the south property of Pari Khatun , in the east of the suit property there is a road , in the west side there is property of Ramesha Khatoon . According to the plaintiffs total 2 acre 05 decimal of land in suit mouza including the suit property was belonged to one Ankesh Kumar Chakrabarty and the sons of one Jamidar Dalal namely Murtuja Hossain @ Murtuja Hossain Dalal and Mainuddin Hossain @ Mainuddin Dalal took settlement of the suit property from Ankesh Kumar Chakrabarty at yearly rent of Rs 5/- and their names had been finally published in R.S.khatian no 118 in RS. ROR and in the year both the aforesaid brothers made an amicable partition of the total 2 acre 05 decimal in between themselves and demarcated their shares and according to that amicable partition Mainuddin Hossain @ Mainuddin Dalal got 1 acre 2 and ½ decimal of land half of 2 acre 05 decimal in the eastern portion and Murtuja Hossain @ Murtuja Hossain Dalal got 1 acre 2 and ½ decimal of land half of 2 acre 05 decimal in the western portion and since then they had been in possession of their demarcated respective shares.Mainuddin Dalal had sold out his 1 acre 2 and ½ decimal of land in the eastern side to one Arshad Ali Mondal on 23.04.1968 by a registered deed of sale being no 2861 and since then Arshad Ali Mondal was in possession of the said 1 acre 2 and ½ decimal of land in the eastern side . Murtuja Hossain Dalal sold 36 decimal of land out of 73 decimal from dag no 259 from his total property in favour of one minor Majid Mallick represented by his father Alfajuddin Mallick in the year 1975 by aregistered deed of sale .Murtuja Hossain Dalal had also sold 66 decimal of land of suit dag 258 in favour of Alfajuddin Mallick and sad Alfajuddin Mallick had 36 decimal in 259 dag in the name of his minor son and had 66 decimal in dag no 258 and 259 in his own name and also was in possession of the said properties and hence Alfajuddin Mallick had total 1 acre 2 and ½ decimal which was previously belonged to Murtuja Hossain Dalal . Arshad Ali Mondal had sold 51 and ¼ decimal of land out of 1 acre 2 ½ decimal of land in favour of one Maniriddin Khan on 29.03.1978 and rest half portion sold to one Safiuddin Khan on 29.03.1978 and since then both of them were in possession of their purchased properties and they got property in eastern portion of dag nos 258,259and 260. After that Maniriddin Khan,Safiuddin

Khan, Mainur Ali Khan, Mohammad Ali Khan and minor Rahaman Ali represented by his natural guardian father Noor Md Khan jointly sold total 1 acre 03 decimal from dag nos 258, 259 and 260 in favour of Arshed Ali Mondal on 13.05.1985 and since then Arshed Ali Mondal was in possession of total 1 acre 03 decimal of property. Then the said Arshed Ali Mondal had sold 68 and 2/3 decimal of land along with Bengali boundary in favour of these plaintiffs on 02.05.1992 with a registered deed of sale being no

2025 and since the time of purchase the plaintiffs are in possession of the said 68 and 2/3 decimal of land. The said Arshed Ali Mondal sold the eastern portion of his property in favour of the plaintiffs and the rest portion 34 and 1/3 decimal of property had sold to one Pari Khatun with Bengali boundary on 02.05.1992 before the Garhbeta, Sub

Registrar and since then Pari Khatun is in possession of the said property. These plaintiffs have turned the suit property into a flat land by leveling it as previously it was a low land and they are possessing the suit land by cultivating paddy, potato, sesame seeds etc. and previously there was no road in the eastern side of the suit land and nothing mentioned in the chauhaddi as road in the deed of the plaintiffs by which plaintiffs have purchased the suit but after that one morum road has been created at the eastern side of the suit property from Raida village to Gilabono village and later the road has been constructed as pitch road and it raised the market value of the suit property. Plaintiff no 1's name has been recorded in L.R. khatian 471 and plaintiff no 2's name has been recorded in L.R. khatian 472 and pro forma defendant no 6's name has been recorded in L.R. Khatian no 483 and finally published. Plaintiff no 1 has made conversion of few portion of the suit property as Bastu land and after investigation by the concerned department 02 decimal of land in dag no 259 and 04 decimal in 260 dag property has been converted into Bastu land from Dhani Soyem. Similarly plaintiff no 2 has also made application for conversion and after duly investigation 06 decimal in dag no 259 has been converted and both the plaintiff have got the valid documents in respect of the conversion from the B.L&L.R.O. The plaintiffs have raised their residential units with brick and cement and raised this up to the roof and the pro-forma defendant no 6 has also raised her residential unit upon the property which she had purchased and also running her tea stall in the said property. Plaintiffs are continuously paying their rent and taxes before the concerned department time to time. The defendants or their predecessor had or have no right, title, interest and possession over the suit property. The defendants have no blood relation with Alfajuddin Mallick and there is no such title deed in the name of Asruf Khan if the defendants has any title deed in respect of the suit property then that will be a false deed. 1/8 share has been recorded in suit dag in khatian no 613, 615 and 618 in the name of each defendant no 1, 2 and 3 and 1/16 share has been recorded in khatian no 612 and 616 in the name of defendant no 4 and 5 and they are in possession of total 1 acre 2 and 1/2 decimal of land. As presently the suit property turned into a valuable property, the defendants gave threat to the plaintiffs on 26.12.2024 or 10th Poush, 1431 B.S. as they will dispossess the plaintiffs from the suit property and they will give boundary to the suit property with fence forcefully and they will raised new construction over the suit property and they have collected cemented pillars for the boundary of the suit property and the plaintiffs are compelled to file this suit.

The cause of action of the suit arose on 26.12.2024 or 10th Poush, 1431 B.S. at the suit property within the jurisdiction of this Court when the defendants gave threat to the plaintiff that they will take the illegal and forceful possession of the suit property and raised construction over there.

The plaintiff has filed some documents i.e., original R.S. parcha of dag no 258, 259 and 260, certified copy of the sale deed for the year 23.08.1968, certified copy of sale deed dated 17.01.1975, certified copy of sale deed dated 17.01.1975, two certified copies of sale deeds dated 29.03.1978, certified copy of sale deed dated 13.05.1985, two certified copies of sale deeds dated 04.05.1992, Xerox copy of, L.R. Ad LRO of conversion, information slip of Ausabandi mouza.

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 apparently the documents shows that the plaintiffs are in possession of the suit property 68 and 2/3 decimal of land and the balance of convenience and inconvenience of the fact lies in favour of plaintiffs. If the defendants will successful to grab the suit property by dispossessing the plaintiff from the suit property with the boundaries then only plaintiffs will suffer irreparable loss and injury for the time being. Accordingly, I have no doubt to allow this prayer of injunction in ad interim form .

Hence, it is

ORDERED

that, the order of injunction is allowed in ad interim form and the defendants are here by restrained from creating any kind of disturbance in the peacefull possession of the plaintiffs in the suit property.

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.

T/c by me.

Court

Civil Judge Jr.Divn Garhbeta Additional