

Title Suit –77/25(CIS-84/25)
(CNR -WBWM11-000084 -25)

Contd....Order dt. 06.12.2025

“No caveat” is pending.

Plaintiffs have filed the instant suit against the defendant no. 1 seeking declaration and permanent injunction.

The plaintiffs 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 no. 1 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. Garhbeta, J.L. No 534, Mouza- Dhabani, L.R Khatian no. 643, 0.0100 acre of land in L.R plot no. 106/642, 0.0100 acre of land in plot no. 107, 0.0200 acre of land in plot no. 110, 0.0100 acre of land in plot no. 99, total 0.0500 acre or 05 decimals out of 0.02900 acre of land is the suit property mentioned as A schedule in the plaint. According to the plaint case the suit property was belonged to Satyabadi Nayek, Badal Ch. Nayek and Sunil Baran Nayek all of them are sons of Gobardhan Nayek and Khadu Hansda, Birsingh Hansda, Bodi Hansda, Baburam Hansda and Dhama Hansda all are sons of Shambhu Hansda jointly purchased total 29 decimals of land from the aforesaid Satyabadi Nayek, Badal Ch. Nayek and Sunil Baran Nayek by a registered deed of sale being no. I-5828 dated 14.08.1973 registered before the ADSR, Garhbeta and that the 0.0500 acre or 05 decimals land out of 29 decimals land is the suit property. After purchased the said 29 decimals of land the L.R.R.O.R has been prepared and finally published in the name of Kadu Hansda in L.R khatian no. 643, in the name of Birsing Hansda in L.R khatian no. 647, in the name of Badi Hansda in L.R khatian no. 644 and in the name of Baburam Hansda in L.R khatian no. 645 and in the name of Dhama Hansda in L.R khatian no. 646 and all the aforesaid persons have their respective shares in the said property and all of them amicably divided the property be meets and bounds and since their purchased all of them are exercising their right, title, interest and possession in their respective portion of the suit property. The Kadu Hansda is being exercising his lawful right and possessing exclusively the suit property by cultivating various crops like paddy, wheat, various vegetables like potatos, sesame seeds, etc. and other seasonal vegetables and in some portion of the property and other portion of the property there is a asbestos shed farm which is used by the plaintiff no. 2 for his business purpose and in the remaining portion of the suit land the plaintiffs used to that for pipeline of water supplying for cultivation in agricultural land through mini connection. The plaintiff no. 2 is the son of plaintiff no. 1 and the plaintiff no. 2 has electric connection from WBSEDCL on his name for commercial purpose of the suit property and the plaintiff used to pay the electricity bills to the proper authority which is installed over the A schedule property. The plaintiff no. 2 also used to supply water through mini connection over the suit land as well as to the other nearby agricultural land of the suit property for cultivation. The plaintiff no. 2 has trade license for the farm in his name and over the suit plot he used to run a business through the farm. The plaintiff no. 1 along with the other co sharers of the suit plot have jointly used to pay the rent to the Government. According to the plaintiffs the defendant no. 1 is complete stranger to the suit property and trying to grab the entire portion of the suit land as he has no right, title, interest and possession in the schedule property. On 28.11.2025 the

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defendant no. 1 along with his hooligans illegally entered into the suit land and destroyed the cultivated crops and vegetables on the suit property and on the same day defendant started to excavate work on the suit land by trying to install his mini connection over the suit property and tried to disconnect the electricity connection of the plaintiff no. 2 to ruin the business ran by the plaintiff no. 2, not only that the defendant tried to destroyed the asbestos shed of the plaintiff no. 2's farm standing on the suit property at the same time the defendant no. 1 pretend the plaintiffs to dispossess them from the suit property. Being helpless the plaintiffs went to the Garhbeta P.S for lodging a G.D.E against the defendant no. 1 but the concerned officer of Garhbeta P.S refused to accept any written complaint from the plaintiff but the defendant no. 1 is creating disturbance to the plaintiffs continuously and the plaintiffs tried a lot efforts to stop the defendant no. 1 but failed and compelled to institute the suit.

The cause of action arise on 28.01.2025 when the defendant no. 1 threatened the plaintiffs of dispossession from the suit property by destroying the crops and vegetables in the suit property of the plaintiffs in P.S. Garhbeta, Dist - Paschim Medinipur, within the jurisdiction of this Court.

The plaintiffs have filed some documents at the time of submission of the injunction petition and they are original sale deed being no. I-5828 dated 14.08.1973, Digital L.R.R.O.R of khatian no. 643 stands in the name of Kadu Hansda, Digital L.R.R.O.R of khatian no. 647 stands in the name of Birsingha Hansda, Digital L.R.R.O.R of khatian no. 644 stands in the name of Badi Hansda, Digital L.R.R.O.R of khatian no. 645 stands in the name of Baburam Hansda, Digital L.R.R.O.R of khatian no. 646 stands in the name of Dhama Hansda, Trade registration certificate dated 04.10.2025 issued in the name of plaintiff no. 2, Copy of quotation dated 29.04.2016 issued by WBSEDCL stands in the name of plaintiff no. 2, money receipt from WBSEDCL paid by plaintiff no. 2 etc. After hearing the injunction petition all the original documents have been returned to the plaintiffs and the firisty is kept with the record.

Perused the materials available on record.

Careful perusal of plaint, submission of the plaintiffs and all the documents filed by the plaintiffs apparently evident that plaintiffs are in possession of the suit property with lawful interest. If the defendant no. 1 will successful to dispossess the plaintiffs from the suit property then plaintiffs will suffer irreparable loss and injury and apparently this Court found that the dispute between the plaintiffs and the defendant no. 1, is a triable matter. So, I find a prima facie case in favour of the plaintiffs and balance of convenience and inconvenience also lies in favour of plaintiffs. Accordingly, plaintiffs are entitled to get ad interim order.

Hence, it is,

ORDERED

that, the defendant no. 1 is hereby restrained from entering in the A schedule property and hereby also restrained from changing the nature and character of the suit property at the same

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time the defendant no. 1 is also restrained from disturbing the peaceful possession of the plaintiffs in the suit property by creating any kind of disturbance from running the business of the plaintiff no. 2 in any manner whatsoever.

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.

D/c by me

Civil Judge Jr. Division, Additional Court,
Garhbeta