

T.S- 52/22 (CIS-385/17)  
(CNR- WBWM11-000529- 2017)

Order No. 51 Dated 06/01/2025

Today is fixed for evidence.  
Plaintiff files a petition ,submitted to Court Defendant No.2 has died on 10/12/2024 .  
Copy served. Let the petition be kept with the record.  
Defendants files hazira .

Fix : 28/01/2025 for hearing petition , dated 06/01/2025.

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

T.S-36/14 (CIS-147/15)  
(CNR- WBWM11-0000032-2013)

Order No. 131 Dated 06/01/2025

Today is fixed for evidence.  
Parties files hazira through Ld. Advocate.  
In chief of P.W-3 is examination, cross examination in full and before being discharged.  
Ld. Advocate for the plaintiff files a petition praying for time for adducing of P.W-4  
on the ground stated therein.  
Heard, Considered.  
Prayer for adjournment by plaintiff is allowed.

Fix : 06/02/2025 for evidence of P.W-4.

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

**Order No 53, dated 09.12.2024**

Today is fixed for passing order in respect of petition 13.11.2024 filed by the plaintiff.

Both parties filed representative haziras through their Ld. Advocate.  
Defendant did not file any written statement in respect of the aforesaid petition.

Ld Advocate submitted before this Court that plaintiff in support his case filed some documents and some are marked as exhibited but some are not and those documents which are not marked as Exhibited ,all are certified copy of deeds issued from the Registrar Office . The Ld. Advocate of the plaintiff submitted that those certified copies of the deeds should be marked as Exshibited documents from the side of the plaintiff and those documents are certified copy of gift deed being no 145 dated 14.01.1959, certified copy of sale deed being no 1121 dated 19.04.1993, certified copy of sale deed being no 04141 dated 06.11.2013 , certified copy of sale deed being no 04140 dated 06.11.2013 and certified copy of sale deed being no 4143 dated 06.11.2013 . In this context the plaintiff cited one case law , **Smt. Shanti Sinha & Ors Vs. Sanjoy Kumar Show & Ors , in C.O. 1883 of 2019, passed by Justice Ajoy Kumar Mukherjee ( passed on 13 October, 2023)** The Ld. Advocate of the plaintiff prayed for the admission of those five certified copy of the deeds on proof for supporting the plaintiffs case.

Ld. Advocate of the defendant raised formal objection and submitted before this Court that the certified deeds should be admitted according to the provisions of law.

Heard & considered.

On careful perusal of the material available in record as well as submission of both the sides this Court opined that each of the party of a suit has the liability to proof his documents which he produces as per law . But in **Smt. Shanti Sinha & Ors Vs. Sanjoy Kumar Show & Ors , in C.O. 1883 of 2019, passed by Justice Ajoy Kumar Mukherjee ( passed on 13 October, 2023)** and in this judgment Hon'able Court cited the observation of Apex Court judgment in Appaiya Vs. Andimuthu ,2003 SC 1183 , with holding the same view that "Certified copy issued thereunder is not a copy of the original document , but it is a copy of the registration entry which is itself a copy of the original and is a public documents under section 74(2) of the Evidance Act and Sub section (5) thereof , makes it admissible in evidence for proving the context of its original." In this context the aforesaid rulling is trully applicable to the present situation of this suit and the plaintiff should be permitted to admit the five deeds such as certified copy of gift deed being no 145 dated 14.01.1959, certified copy of sale deed being no 1121 dated 19.04.1993, certified copy of sale deed being no 04141 dated 06.11.2013 , certified copy of sale deed being no 04140 dated 06.11.2013 and certified copy of sale deed being no 4143 dated 06.11.2013 .

Hence , it is

**ORDERED**

the petition dated 13.11.2024 filed by the plaintiff be and the same is hereby allowed on contest without any amount of cost.

Next date **16.01.2025** for P.W. 3.

S/d- Lipika Das  
Civil Judge (Jr.Div) Addl.  
Court, Garhbeta , Paschim

Medinipur.

**Order No. 01 dt. 11.12.2024**

Record is placed today before this Court to move the injunction application by the plaintiff.

“No caveat” is pending.

Plaintiff has filed the instant suit against the defendants seeking declaration of title and permanent injunction in respect of the suit property .

The plaintiff 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 the plaint.

The facts of the case in nutshell, in District – Paschim Medinipur , P.S. Goaltore, J.L. No 280, mouza -Metyaldoba , L.R khatian - 952 , L.R. Plot No 24/294 measuring about 0.2000 acre of land as Bastu. According to the plaintiff, the suit property along with other properties belonged to one and during his life time he retained the right, title interest and possession of those properties peacefully and also recorded his name in L.R. khatian no 93 in

L.R. ROR in total 3.59 acres of land and after his death the said property devolved upon his five sons namely Ashok Piri, Arun Piri, i.e, the plaintiff of this suit, Uday Piri, Nemaï Piri and Shyamal Piri as his legal heirs and successors and the wife of said Gobinda Piri was already predeceased him and all the five sons of Gobinda Piri jointly inherited his property in equal shares i.e. 1/5th share each and these five sons of Gobinda Piri made amicable partition between themselves in their equal shares and since then all of them are possessing their individual share peacefully by mutating their names in L.R. ROR and plaintiffs has also mutated his his name as per his share in L.R. khatian no 952 , L.R. Plot no 24/294 of 0.2000 decimal of Bastu land. As per the pleading on 20.12.2024 the defendants illegally and forcibly tried to encroach certain portion of the plaintiffs property or the suit property by raising illegal construction of boundary wall over there and somehow the plaintiff abled to resist the defendants from their such illegal act. According to the plaintiff , defendants are powerful and politically influenced persons and they have also threatened the plaintiff on the sane day that they will dispossesses the plaintiff from the suit property by any how and due to such illegal activities of the defendants plaintiffs right, title, interest and possession of the plaintiff have been clouded and plaintiff has compelled to institute this present suit

The cause of action arose on 20.12.2024 in Mouza -Metyaldoba, P.S. Goaltore in the suit property within the jurisdiction of this Court when the defendants gave threat of dispossession the plaintiff from the suit property and tried to raise illegal boundary wall in a portion of the suit property.

The plaintiff has filed some documents i.e., one heirship certificate of the deceased Gobinda Piri issued by Piasala Gram Panchayat, PL.R. plot information slip in the name of plaintiff of khatian no 952 of suit property , original khazna dakhila of the suit property , e-challan of rent deposit of the suit property.

Heard & considered .

Pursuing the material available in record , I have found the documents supplied by the plaintiff are enough to establish a prima facie case in favour of the plaintiff at this stage as the documents are enough to establish primarily that plaintiff have possession over the suit property and the balance of convenience and inconvenience of the fact and the consequence also lies in favour of plaintiff. If the defendants will successful to grab the suit property by dispossessing the plaintiff from the suit property as a consequence only plaintiff will suffer irreparable loss and injury . Accordingly, this Court has no hesitation to allow this prayer of injunction order in - ad interim form in favour of the plaintiff. .

Hence, it is

### **ORDERED**

that, the ad interim order is allowed and the defendant nos. 1 to 3 are hereby restrained from creating any kind of disturbance in the peaceful possession of the plaintiff or try to dispossess the plaintiff from the suit property or try to change the nature and character of 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 is directed to comply with this order strictly accordance with law.

**To date** for filing objection by the defendants if any.

D/c by me.

Civil Judge Jr.Divn  
**Garhbeta Additional Court**

T.S-03/24 (CIS-6/24)

Order No. 10 Dated 06/01/2025

Today is fixed for filing W.S.

Plaintiff files hazira through Ld. Advocate.

Defendant No. 8 takes no steps. It appears from the record that W.S stage is pending since long. Statutory period for filing W.S is expired. According instant suit shall be heard exparte against the said defendant. Defendants No. 1 to 6 are files W.S supported by affidavit . Copy served. Suit will proceed framing of issues.

Fix : 06/01/2025 for framing of Issues.

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

O.S-04/24 (CIS-5/24)

Order No. 04 Dated 06/01/2025

Today is fixed for S/R.

Plaintiff files hazira through Ld. Advocate.

No S/R has yet been received. It appears from the record that S/R stage is pending since long. According instant suit shall be heard exparte against the said defendant. Defendants No. 1 to 6 are files W.S supported by affidavit . Copy served. Suit will proceed framing of issues.

Fix : 06/01/2025 for framing of Issues.

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 two 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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).  
AdditionalCourt,Garhbeta.