

02.09.2024
Sl. No.88
Court No.3
Sk/sg.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.O.138 of 2024

Shankar Lal Agarwal

Vs.

Naresh Kumar Agarwal & Anr.

Mr. Avrojoyti Das

Mr. Rajdeep Das

.....For the Petitioner.

The petitioner is the plaintiff before the trial Court who seeks a decree of permanent injunction against the defendant before the Civil Judge (Junior Division), as well as the 1st Appellate Court, in a Misc. Appeal filed against the order of the Civil Judge, Junior Division. The petitioner has not been able to secure an order of ad interim injunction before any of the Courts. He is thereby aggrieved and is now before this Court for grant of an ad interim injunction.

Learned Advocate appearing for the petitioner has relied on the plaint and the injunction application filed by the petitioner before the trial Court along with the documents like deed of conveyance, mutation certificate, record of rights, Panchayat tax receipt and land acquisition notice in favour of the petitioner, to show and submit that the petitioner is the sole and exclusive owner of the suit property. That the petitioner is aggrieved due to unlawful intervention by the opposite parties/defendants in the suit property.

It appears from the order of the Civil Judge (Junior Division) at Jalpaiguri dated June 14, 2024 and that of the District Judge, Jalpaiguri dated 28.12.2024 that both the Courts have declined the petitioner's prayer for an ad interim injunction on the ground of there being no urgency for acceding to such prayer of the petitioner.

Considering the documents and the contentions of the petitioner

as placed before this Court, it is found proper that the petitioner be directed to serve upon the respondents and file affidavit of service in Court on the next date.

It is submitted on behalf of the petitioner that the petitioner, being the sole and exclusive owner of the suit property, is in possession thereof.

It is, therefore, directed that the parties should maintain status quo as regards their possession over the suit property and shall not change the nature and character thereof or alienate the same to any third party, till the next date, the matter is taken up by this Court.

Let this matter be adjourned today and be placed before the next available Circuit Bench.

(Rai Chattopadhyay, J.)