

In the Court of Civil Judge (Jr. Dvn.), Sadar Court, Suri, Birbhum
Present : Arpita Hira.

T.S. No. 2/13

Basanti Rani Mondal Plaintiff

-V-

Madhab Bagdi Defendant & pro defendants(6)

O. No. 1 Dt. 05.01.13 A plaint is filed by the plaintiff Basanti Rani Mondal against the defendant Madhab Bagdi and six pro-defendants supported by verification and affidavit praying for permanent injunction against the defendants and other reliefs. The plaintiff also files the vokalatnama of his engaged Ld. Advocate.

Let the same be registered as Title Suit. Court fee payable is Rs. 10/- and the plaintiff filed court fee of Rs. 10/- only which is provisionally accepted.

The plaintiff also files the requisites for issuing summons upon the defendants along with process fee of Rs. 2/-. Issue the same.

Fix 18.02.13 for S/R and ascertaining contest.

The plaintiff also files one petition under order 39 rule 1 and 2 read with Sec. 151 of C.P.C praying for temporary ad-interim injunction against the defendants supported by affidavit. Put up the case record when moved.

Dictated & corrected by me.
Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

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O. No. 2 Dt. 05.01.13 The Ld. Advocate for the plaintiff appeared and moved the injunction petition under order 39 rule 1 and 2 read with Sec. 151 of C.P.C.

Heard the Ld. Advocate for the plaintiff. Perused the injunction petition, plaint, the document (in xerox) filed by the plaintiff. Considered.

The Ld. Advocate for the plaintiff submits that the defendant no. 1 is totally a stranger to the suit schedule property and is threatening the plaintiff and other co-sharers of the suit property to disposses them from the suit property and also is trying to grab the suit property by way of digging and making pucca structure. Therefore, the plaintiff has filed the present injunction petition and prays for passing an order of ad-interim injunction restraining the defendant no. 1 not to disturb the plaintiff's peaceful possession of the suit property and in any way not to disturb their joint possession in the suit properties. The Ld. Advocate further submits that the xerox copy of information slip is filed by the plaintiff from which it will be seen that the names of all the pro-defendants and the plaintiff are recorded in respect of dag no. 669 in the status of 'bari'.

Considering the submission of Ld. Advocate for the plaintiff and perusing the case record including the document filed by the plaintiff, this court is of the view to allow the prayer of the plaintiff for ad-interim injunction against the defendant no. 1 for the reason that the plaintiff has made out his prima facie case to go into trial and the balance of convenience and inconvenience also till in favour of the plaintiff. At this stage if the suit property is not protected then the plaintiff may suffer irreparable loss of injury.

Hence it is,

ORDERED

That the prayer of the plaintiff for ad-interim injunction is

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Contd. O. No. 2 Dt. 05.01.13

considered and allowed.

The defendant no. 1 is hereby restrained from disturbing the plaintiff's peaceful possession of the suit property and from disturbing from joint possession in any way in the suit properties till 04.02.13.

Issue notice upon the defendant no. 1 to show cause within 15 days of the receipt of the same as to why the prayer of the plaintiff for temporary injunction against him shall not be granted.

Plaintiff is directed to comply the provision of order 39 rule 3(a) and (b) of C.P.C.

Urgent requisites for issuing notice to be filed within 7 days from the date of this order.

To date (18.02.13) for S/R of notice.

Dictated & corrected by me.
Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

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O. No. 3 Dt. 07.01.13 Plaintiff files requisite supported by one affidavit with P/fee Rs. 3/- and comply order no. 2 dt. 05.01.13.

Issue the same.

Dictated & corrected by me.
Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

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Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

O. No. 4 Dt. 28.01.13 Defendant no. 1 appeared before the court today along with fresh vokalatnama and with a petition prays for time for filing W/O on the ground stated in the petition. Let there be kept with the record.

To date.

Dictated & corrected by me.
Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

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Sadar Court, Suri, Birbhum.

O. No. 5 Dt. 04.02.13 The case record is put up before this court as the ad-interim order is valid till this date i.e 04.02.13.

The plaintiff files hazira through engaged Ld. Advocate. The plaintiff also files one petition praying for extension of the ad-interim order on the ground that the injunction petition is not yet heard in presence of both side parties as stated therein.

The S/R of notice in respect of defendant no. 1 is received and as per report of Nazir the same is duly served.

The defendant no. 1 has already appeared before this court by filing vokalatnama along with a petition on 28.01.13 which is kept with the record on that day by passing necessary order.

The prayer of the defendant no. 1 vide his petition dated 28.01.13 for giving opportunity to file the W/O is considered and allowed for ends of justice.

The prayer of the plaintiff to extent the ad-interim order is also considered and allowed for urgency in the matter till 18.02.13.

The S/R of summons in respect of defendant nos. 1 to 7 are also received with a report of Nazir to the effect 'duly served'. Let the S/R of summons and notice be kept with the record.

To date (18.02.13) for hearing injunction petition and filing of W/O in the meantime positively. The plaintiff may take steps on the date fixed regarding extension of ad-interim order, if any.

Dictated & corrected by me.
Sd/A. Hira
Civil Judge (Jr. Dvn.),
Sadar Court, Suri, Birbhum.

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