

Title Suit No. - 1018/2026
CNR - WBSP030015072026
(J.O. Code – WB01580)

Order date: 04.08.2026

The case record is put up on the strength of put up petition.

Ld. Advocate for the plaintiff moves the petition u/o. 39 r 1 and 2 r/w. Sec. 151 of CPC.

From the report of Sheristadar, there is no caveat pending in this suit.

Issue notice upon the defendant asking them to show cause within 15 days from date of the receipt of the said notice, as to why the prayer for temporary injunction shall not be granted.

Heard the Ld. Advocate for the plaintiff. Perused the petition, the documents, plaint, and all other materials on record.

Considered.

The plaintiff's case in a nutshell is that plaintiff is the owner of Flat no. 7 of Rainbow Apartment along with car parking space. Defendant no. 1 purchased Flat no. 4 of the said Apartment but no car parking space. Owners' Association allowed defendant no. 1 to use car parking space for parking his four-wheeler against money paid to them. Defendant nos. 1 and 2 are parking their four-wheelers in the drive-way of the plaintiff and creating difficulty and problem in free egress and ingress by the plaintiff and her vehicle. Hence, this suit.

In support of her contention, plaintiff has filed photocopies of the documents attached in plaint of the suit property.

From the pleadings and documents so filed by the plaintiff, this Court at the threshold finds that the plaintiff has prima facie established its rights. Pertinently, this Court finds it apposite to reiterate the cardinal principles of injunctions as discuss by the Hon'ble Apex Court in a catena of decisions which is to say injunction is a discretionary relief. Therefore, the Court has to be satisfied the following principles :

1. There is a serious disputed question to be tried in the suit, 2. The Court's interference is necessary to party from the species of injury, 3. Balance of convenience and inconvenience. At this stage the plaintiff is able to satisfy this principles.

Hence, it is

ORDERED

that the instant prayer of ad interim injunction as prayed by the plaintiff is hereby **considered and allowed.**

Defendant along with his men and agents are hereby restrained from causing any hindrance or encumbering the common spaces of the ground floor drive way by way of parking any vehicle and also restraining them from disrupting the plaintiff from parking her car with proper egress and ingress in a free manner on the southern drive way on the ground floor of the building **till 07.09.2026.**

Plaintiff is directed to comply Order 39 rule 3(a) and 3(b) C.P.C.

Requisites at once.

To date for SR and appearance.

Original documents be returned to the plaintiff on condition to refile the same as and when called for.

D/C by me,

Civil Judge (Jr. Divn.),
5th Court, Alipore,
South 24-Parganas.

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