

**Order Dated:- 31.07.2026**

Record is put up this day for hearing of ad-interim injunction petition.

Plaintiff has submitted two other interlocutory applications under Order 12 Rule 6 CPC read with Section 151 CPC and another is under Order 38 Rule 1 and 5 CPC read with Section 151 CPC and pray for passing interim relief.

Ld. Advocate for the plaintiff has submitted that the instant suit is filed for declaration and recovery of money against the defendants in respect of Suit schedule properties of the plaint.

Perused the note of Sheristader that there is no caveat filed against the suit schedule property.

Heard the Learned Advocates for the plaintiff.

Plaintiff has made out that the plaintiff is engaged in business of manufacturing and supply of food packaging and allied products. Sometime in 2021 defendant nos. 1 and 2 representing as partners of defendant no. 3, approached the plaintiff for the purpose of purchasing food packaging and other items and plaintiff entered into business transaction with them with some terms and conditions made out in the temporary injunction petition and such agreement took place within territorial jurisdiction of this Court.

Plaintiff has made out that since 2021 the defendants have been going on placing purchase orders on the plaintiff from time to time and plaintiff also supplied the goods accordingly against which invoices were regularly generated but the defendants have failed and neglected to make payment of the total outstanding dues which is mentioned in the plaint amounting a total sum of Rs. 14,29,754.12/- payable to the plaintiff. Plaintiff requested the defendants for making payment but the defendants neglected to pay the same. Ultimately plaintiff sent Legal Notice for making such payment but no fruitful result has come out. Right now, the plaintiff has placed the due payment of principal amount of Rs. 14,29,754.12/- together with interest @ of 18% per annum on and from the respective due dates May, 31<sup>st</sup>, 2026 figuring Rs. 4,81,664.57/- and a total amount of Rs. 19,11,418.69/- is now the total outstanding.

The plaintiff has come to learn from reliable sources that the defendants are in the process of alienating and/or transferring and/or encumbering the respective immovable properties situated at the address furnished in the Cause Title and the same will cause inconvenience upon the plaintiff as his lawful claim will be at stake.

It is also in the knowledge of the plaintiff that the defendants may create third party interest in respect of immovable property situated at Gurugram.

By making out such case plaintiff prays for passing ad interim order of temporary injunction so that the movable and immovable assets as well as cash in Bank account may be hold as otherwise the plaintiff will suffer to get his reasonable claim. Plaintiff also prays for passing ad interim order of attachment of the property before judgment.

Considered the submission of the Ld. Advocate for the plaintiff.

Perused the documents filed by the plaintiff.

There are number of e-mail and reply e-mail placed by plaintiff which denote that the defendants are not denying the amount payable by them. The tax invoices placed by plaintiff in annexure also act as strong proof of prima facie case about the business transaction between the parties. The Legal Notice filed by the plaintiff is a matter to be taken into consideration that prima facie case of lawful demand and non-payment of the same is a triable issue in this Money suit.

**List of documents:-**

**A.** Copy of the fresh Certificate of Incorporation issued by the Registrar of Companies, Ministry of Corporate Affairs, Government of India in favour of the plaintiff company.

**B.** Invoices dated November 2, 2023, September 18, 2024, October 19, 2024, November 18, 2024, January 18, 2025 and Debit Note dated March 25, 2025 issued by the plaintiff company.

**C.** Purchase Order dated September 30, 2023, August 5, 2024, August 9, 2024 and October 24, 2024.

**D.** Copies of the e-mails dated October 15, 2025, November 10, 2025, November 14, 2025, November 20, 2025, November 27, 2025, December 15, 2025, December 16, 2025, December 19, 2025, December 20, 2025, December 26, 2025 and January 28, 2026.

**E.** Copy of the legal notice dated March 17, 2026, issued by the plaintiff company through its Learned Advocate together with the proof of delivery thereof upon the defendants.

**F.** Certificate issued by a Chartered Accountant dated 19th June, 2026, thereby certifying the calculation of interest at the rate of 18% per annum on and from the respective due dates of the respective outstanding invoices.

Plaintiff has been successful to proof prima facie case and balance of convenience and inconvenience in favour of plaintiff. A decision of Hon'ble Court

passed in IA no. GA-COM/1/2024 IN CS-COM/652/2024 referred by the Ld. Advocate for the plaintiff.

On careful perusal of the decision I find that the same is matching with the fact of the instant suit. Urgency is also established as the e-mails exchanged between the parties may be weighed under the light of the Legal Notice which is not yet answered. There is possibility that the defendants may withdraw amount payable to plaintiff at any point of time. This Court observes it just and proper to pass ad interim injunction for keeping the amount in the Bank account of the defendants but at this early stage it will not be proper to restrain the defendants to administer or transfer the immovable property which is situated outside jurisdiction of this Court. It is well-known nowadays that all Banks are now having net banking facilities for which dealing with Bank account situated at Gurgaon can be dealt with from Kolkata, as such ad interim injunction is to be passed in respect of Bank account only. In result, prayer for ad interim order of temporary injunction is to be allowed. No order will be passed in respect of petition under Order 12 Rule 6 CPC read with Section 151 CPC notice will be issued in respect of petition under Order 38 Rule 1 and 5 CPC read with Section 151 CPC and the matter will be heard after appearance of the defendants.

Hence, it is,

**ORDERED**

that the prayer for ad interim order of temporary injunction is allowed.

The defendants are hereby restrained from withdrawing an amount of Rs. 19,11,418.69/- from account no. 017705008207 maintained with ICICI Bank, DLF, Gurgaon Branch by the defendants.

This order shall have effect till **31.08.2026**.

Plaintiff is further directed to comply the provision under Order 39 Rule 3(a) and 3(b) of CPC.

Issue notice upon the defendants to show cause by the next date fixed as to why the temporary injunction as well as order of petition under Order 38 Rules 1 and 5 CPC shall not be passed against them.

Plaintiff to put requisites.

A copy of this order be handed over to the plaintiff for information.

Fix **31.08.2026** for further order.

Dict. & corrected

Sd/-

Civil Judge Senior Division

1st Court, Alipore, South 24 Parganas