

T.S. 159/2025
C.N.R NO. WBSP080003282025

Later:
ORDER NO. 01, DATED : 24.07.2025

The record is put up before me.

The Ld. Advocate for the plaintiff moves the petition under Order 39 Rule 1 & 2 of C.P.C. against the defendant no.1. Issue notice upon the defendant no.1 directing him to show cause within 10 days from the date of receipt of said notice as to why the prayer for temporary injunction made by the plaintiff against it shall not be granted.

The plaintiff has also prayed for an order of ad-interim relief. It appears from the note of the office that no caveat is pending regarding this matter. Accordingly, the matter is taken up for hearing.

Hd. the Ld. Advocate for the plaintiff.

Perused the plaint, affidavit, petition under Order 39 Rule 1 & 2 of C.P.C., the documents and all other materials on record.

The Ld. Advocate for the plaintiff files some documents along with firisti. Let the same be kept with the record.

Considered.

This is a suit for declaration and permanent injunction. At the time of hearing, the Ld. Advocate for the plaintiff submits that the plaintiff is the tenant in respect of the suit property under the defendant no.2. The defendant no.1 to whom the suit property has been mortgaged by the defendant no.2, is now trying to dispossess the plaintiff from the suit property without due process of law. The plaintiff therefore has prayed for an order of injunction in order to restrain the defendant no.1 from doing the aforesaid acts.

The plaintiff in order to prove his prima facie case has filed tenancy agreement, his aadhar card, ration card, domestic gas invoice, rent receipts, electricity bill. Considering, all the documents filed by the plaintiff I am of the opinion that the plaintiff has been able to make out a prima facie case in his favour regarding his possession in the suit property. Considering the urgency of the matter the defendant no.1 is hereby restrained from dispossessing the plaintiff from the suit property without due process of law till 22.08.2025.

Plaintiff is directed to comply with the provision of Order 39 Rule 3 (a) & (b) at once.

Requisites at once.

To **22.08.2025** for S/R. Appearance, hearing of the petition for temporary injunction.

D/C by me

C.J(Sr. Divn.),
Sealdah
JO Code WB00867

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