

Title Suit- 597/2022
CNR-WBHG080008312022
JO-WB01482

02 / 21.11.2022

The record is put up today on the prayer of the Plaintiff.

Plaintiff side through firstly files copies of certain documents as per list.

The Learned Advocate for the Plaintiff has moved an application before this Court under Order 39 Rules 1 and 2 read with Section- 151 of the CPC inter alia for obtaining an Ad-Interim order of Injunction against the defendant.

Heard the Ld. Advocate appearing on behalf of the Plaintiff.

Perused the Complaint, Injunction Application supported by Affidavit and the documents relied upon by the Plaintiff by way of firstly.

It appears from the report of the Sheristadar that no caveat is pending in connection with the instant proceeding.

It is inter alia the contention of Plaintiff that the suit land belongs to the defendant and the plaintiff and/or its predecessor-in-interest had taken a wholesale shop room situated at premises No.16 (17) N.T. Road, Seoraphuly, Dist.-Hooghly and godown or store-room situated at premises No.14/12 Harish Road (ground-floor) Seoraphuly on rent from the defendant on and from 1965. The plaintiff contended that as the defendant stopped receiving payment of rent he deposited the rent before the Ld. Rent Controller. He alleged that one day some persons come to the godown for repairing work but after few days they told the plaintiff to vacate said premises and they also illegally installed a small gate in front of the store-room which is disturbing the ingress and egress of the store-house. The petitioner stating the given fact had made a complaint before the Seoraphuly station on 24.12.2021 but no fruitful results came out. The plaintiff after that filed one writ petition before the Hon'ble High Court at Calcutta and the Hon'ble High Court directed the plaintiff to approach the appropriate forum for necessary order. Therefore, the plaintiff has prayed for relief as per the petition.

I have gone through the instant application supported by an affidavit, documents filed by the plaintiff and the materials available on record. So, considering all aspects I am in view that the plaintiff could not make out a good prima facie case to go for trial and an opportunity should be given to the defendant to be heard before passing any injunction order. Thus I am not inclined to allow the instant prayer for ad-interim injunction as per the prayer of the plaintiff at this stage.

Hence, it is

Ordered

that the instant petition for injunction is hereby considered and refused at this stage.

Issue notice upon the defendant to file show cause within 15 days from the date of receipt of this notice as to why the temporary injunction will not be granted against them.

Requisites. To date.

Dictated and corrected by me

**Civil Judge, (Junior Division),
2nd Court, Serampore, Hooghly**

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