

**Title Suit No.2188/2022.**

**Present : Sonia Majumdar, Judge-in-charge, Bench-V**

**Order No. 02 /Dated 29-09-2022**

Ld. Advocate for the Petitioners/ Plaintiffs moves an Injunction application under Order XXXIX Rules 1 & 2 read with Section 151 of the C.P.C., praying for temporary / adinterim injunction, restraining the Opposite Party No.1 and/or their men and agents from in any way taking forcible possession of the schedule property without due process of law.

It appears from the Office Report that Caveat has not yet been filed.

Heard the Id. Advocate of the Plaintiff/ Petitioner who submits that the Plaintiff is a monthly tenant in respect of the suit property whereas Defendant Nos.2 and 3 are the landlords. It is the case of the Plaintiff that she was originally inducted by one, Sahani Saba as a monthly tenant in the year 2015 and later on, the said Sahani Saba sold out the property to one, Md. Akram, who sold out the entire property including the suit property to Defendant No.2 on 24.08.2017. The Plaintiff is regularly paying rent to the landlord and they have issued rent receipts for the respective periods. Now, Defendant No.1 being a Bank suddenly sent his agents who asked the Plaintiff to vacate the suit property by informing that Defendant No.2 has defaulted in payment of the bank dues in respect of a loan and they would seal the suit property after removing the Plaintiff and his family. On query, the Plaintiff came to know that the defendant No.2 has not been served with any notice under SARFAESI Act by the Defendant No.1. Hence, she has prayed for relief as per her prayer.

Perused the application, documents as well as the record. Considered.

On consideration of the same, I find that the Plaintiff has submitted documents to show her prima facie case and the balance of convenience and inconvenience is also on the side of the Plaintiff, otherwise, he would be dispossessed.

On consideration of the same, I am of opinion that an order of ad interim injunction in the form of **Status Quo** be given to the parties. The parties are hereby directed to maintain **Status quo** regarding nature and character of the suit.

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However, **issue notice upon the defendants/ O.Ps. as to why the prayer for injunction shall not be granted against them, within 30 days from the date of receipt of the Notice.**

Plaintiff to comply the Order 39 Rule 3 (a) (b) of the C.P.C at once and office to issue the same accordingly.

Plaintiff/ petitioner to put **requisites at once** and office to issue the same forth-with.

**Fix 25/11/2022 for hearing injunction application.**

Dictated & corrected by me,

*Sd/-*  
Judge-in-charge

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Judge-in-charge, Bench-V,  
City Civil Court, Calcutta.