<u>T.S. No. 250 / 2025</u>

<u>Present- Smt. Moumita Ray (J.O. Code No.WB00990)</u>

CNR: WBSP02-000562-2025

<u>25.02.2025</u>

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

The Ld. Advocate for the plaintiffs moves an application under Order XXXIX Rule 1 and 2 CPC praying for an order of injunction against the defendants.

Heard the Ld. Advocate appearing for the plaintiffs.

From the report submitted by the Sheristader it appears that no application u/Sec.148A of the Code of Civil Procedure has been filed in this case. Accordingly, there is no bar to hear the application of the plaintiffs praying for ad interim injunction in the absence of the defendants.

Issue notice upon the defendants asking them to show cause within seven days from the date of receipt of the same as to why the prayer for temporary injunction as sought for shall not be granted.

Perused the plaint and the petition u/o 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure in ad interim form and the photocopy of the documents filed along with it.

Considered the prayer in ad interim form.

This is a suit for declaration, mandatory injunction and perpetual injunction.

The case of the plaintiffs in brief is that the plaintiff nos.1 to 3 are the Director and Trustee Members of the plaintiff no.4 and it is the submission of the plaintiff that the defendant no.1 acting on the instruction of various individuals are illegally representing themselves to be members trustee of the plaintiff no.4 and defendant nos.2 to 7 are the agencies who deal with keeping and storing of KYC, data of entries who have demat or mutual fund accounts with various intermediaries and/or depositor participants. The defendant no.8 is a leading investment financial intermediary in India.

The plaintiffs claim that only the plaintiff nos.1 to 3 are authorized to operate the demat accounts of the plaintiff no.4 and only the KYC particulars of the said persons were uploaded with the depositor particulars from time to time.

After considering the submissions of the parties and the materials as available in the record, it appears that the cause of action of the suit arose within the jurisdiction of this Court as the defendant no.1 and his agents as claimed by the plaintiffs had opened an illegal account with defendant no.8 in the name of the plaintiff no.4 and altered its KYC details and the plaintiff no.1 was made aware of several e-mails which were all received by the plaintiff no.1 in his Behala address within Behala Police Station.

As it appears prima facie that it is the allegation of the plaintiffs that the defendant no.1 is attempting to alter plaintiff no.4’s KYC record through defendant nos.2 to 7 and it is the apprehension of the plaintiffs that if they are allowed to modify the plaintiffs will suffer irreparable loss and injury.

It is the allegation of the plaintiffs that the defendant no.1 is trying to take control of the financial and other assets of the plaintiff no.4 institution and to use the same for his personal gain. So, it appears that the plaintiffs have a prima facie case to go for trial and the balance of convenience and inconvenience supports the case of the plaintiffs and if the defendants are allowed to interfere with the financial and other assets of the plaintiff no.4, the plaintiffs will suffer irreparable loss and injury frustrating the very purpose of the suit. So, the prayer of the plaintiffs is hereby allowed.

Hence, it is,

ORDERED

that the defendant no.1 and his men and agents are hereby restrained to operate the Eureka account that is the account for which e-mail dated January 30, 2025 has been received and operated any other account if any opened in the name of the plaintiff no.4 and also restrained from opening any further account and the defendant nos.2 to 7 are hereby restrained from further altering or changing the KYC record appertaining to the plaintiff no.4 without written consent of the authorized signatories of plaintiff no.4 being plaintiff nos.1 to 3 till 25.03.2025.

Dictated and corrected by me.

Sd/-
Civil Judge (Sr. Divn.)
7th Court, Alipore

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Civil Judge (Sr. Divn.)
7th Court, Alipore