

Title Suit No. 1167 of 2017 (Sl. No. 91 of 2017)
Ejectment Suit No. 30 of 2022 (Sl. No. 75 of 2022)
CNR No. WBSP02-001856-2022
J.O Code No. (WB00930)

39
21.11.2022

Both parties filed hazira.

Ad interim injunction extended on prayer of plaintiff Rama Roy.

An objection against the petition under Sec. 7 (2) of WBPT Act is filed.

An affidavit in reply is filed against that objection.

Hd. both sides on the point of petition under Order 39 Rule 1 and 2 filed in Ejectment suit 30 of 2022.

Considered.

On perusal of the materials on record it appears to me that plaintiff Roma Roy filed the instant suit for eviction of defendant Bablu Das and in the present injunction petition he made allegation that defendant is disturbing his peaceful possession by keeping a scooter under the staircase. He prayed for restraining order against the defendant.

Ld. Advocate appearing for defendant Bablu Das raised objection on the ground that the parties to the suit have entered into an agreement for sale and he denied that the defendant is creating any nuisance and annoyance in the ingress and egress of the plaintiff Rama Roy. He prayed for rejection of the petition.

On perusal it appears to me that defendant Bablu Das filed T.S 91 of 2017 for specific performance of contract against Rama Roy and in that suit both sides are directed to maintain status quo in respect of the property. It is admitted position that Bablu Das is in possession of the suit property. Considering the facts and circumstances it appears to me that Rama Roy has prima facie case against Bablu Das and the balance of convenience is in favour and a further status quo order will help to preserve the property till disposal of the suit and to avoid multiplicity of proceeding.

Hence, it is

ORDERED

that both parties are directed to maintain status quo in respect of nature and character of the suit property and defendant Bablu Das is restrained to disturb the peaceful possession of the plaintiff till disposal of the suit.

To 07.12.2022 for hearing petition under Sec. 7 (2) of WBPT Act.

Sd/-S.Ray
Civil Judge(Sr.Div),
3rd Court, Alipore