

In the Court of Civil Judge(Junior Division), Raiganj, Uttar Dinajpur

Present: Devjani Bose

OS 120 of 2022

CNR. WBUD04-000334-2022

JO Code- WB01403

Order no. 01 Dated 22.08.2022

Later:

The record is taken up for hearing of the plaintiff/petitioner's petition U/O 39 rule 1 (a),(b) (c) R.W. Sec 151 CPC against defendant no. 1 and 2 in a suit for declaration and permanent injunction. Seen the CR and note of the Sheristadar that no caveat is pending till this date.

Now, the petition U/O 39 rule 1 (a),(b)(c) for ad interim injunction is taken up for hearing.

Heard. Considered. Perused the materials on record.

On careful perusal of the materials on record including the documents photocopies of which are filed by firsti, this Court is prima facie of the view that the plaintiff has a serious allegation against the defendant no. 1 and 2 and that is that the defendant no. 2 have issued a possession notice under Section 13 (4) of SARFAESI Act of 2002 without complying with the provision for issuance of demand notice before-hand as per Section 13(2) of the SARFAESI Act of 2002 which attracts the jurisdiction of Civil Court of original jurisdiction. As such, though plaintiff has established a prima facie case in his favour but without hearing the other side this court is not inclined to pass any restraining order against the defendants and hence for the purpose of ensuring so that the suit property is not being wasted or damaged by either sides of the suit, is inclined to direct both sides to maintain status quo in respect of nature, character and possession of the suit property till the next date fixed.

Accordingly, it is,

ORDERED

That the prayer for ad interim order of injunction is hereby considered and allowed with following order.

Both parties are hereby directed to maintain status quo in respect of nature, character and possession of the suit property till the next date fixed.

Issue notice upon the defendants no 1 and 2 calling upon them to show cause within 15 days from the date of receipt of such notice as to why the plaintiff's prayer for an order of temporary injunction shall not be allowed.

Plaintiff to comply with the provision u/O 39 r 3 (a, b) as per law.

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Plaintiff to put in requisite at once.

D/A to issue the same.

Todate (09.12.2022) for S/R and A/D.

D/C by me.

CJ(JD)

CJ(JD)