

Later

29.09.2022

Heard the petition U/O- 39 Rule 1 and 2 of CPC read with Sec. 151 of CPC for an order of ad-interim injunction.

No caveat is pending as per note of the Sheristadar.

Ld. Lawyer on behalf of the plaintiffs side is present and moved the petition praying for ad-interim injunction on the grounds stated therein.

Heard the Ld. Lawyer.

Perused the application and the documents filed.

Upon perusal and close scrutiny of the list of documents filed and the submission of the Ld. Lawyer, this Court opines that though the prima facie case is in favour of the plaintiffs side yet without issuing notice upon the defendants side and giving the defendants side an opportunity of being heard, the order of ad interim injunction cannot be granted at this juncture. Moreover, the delay will also not defeat the purpose of granting ad interim injunction as it would not cause substantial injury and irreparable loss to the plaintiffs. In the opinion of this Court, there is need to go deeper into this case and that would only be possible when the defendants side is given an opportunity of being heard.

Hence, it is

ORDERED

that the prayer for ad-interim injunction is rejected at this stage.

Issue notice upon the defendants to show cause within 15 days from the date of receipt of notice as to why the plaintiff's prayer for temporary injunction shall not be granted.

D.C. by me.

Civil Judge (Jr. Divn.), 1st Court,
Barasat, North 24 Parganas
WB01471

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