

Title Suit- 463 of 2022.

Order dt. 29.09.2022

“No caveat” is pending.

Plaintiff have filed this instant suit against the defendant seeking for declaration and injunction.

The case in brief is that, plaintiff is a bonafide tenant (at a monthly rental of Rs. 350/- +34 in respect of ground floor and Rs. 350/- half share of rent in respect of first floor which is described in the schedule A) in respect of one 3BHK Flat measuring about more or less on the ground floor described in the schedule A and also in respect of one flat on the 1st floor described in the schedule B and both the flats situated at premises no. 7B, Congress Exhibition Road, P.S Beniapukur, Kolkata-14 which is referred to as the suit property. Since inception the plaintiff along with his family member have been living at the both flats by paying rent regularly to the concerning landlord against the valid rent bill in the name of the plaintiff. Since few months, the said defendant with the help of some outsider has been creating disturbances and torture upon the plaintiff and his family members for peaceful living and enjoyment, possession of both flats in question and the defendant does not want to receive the rent. Plaintiff is compelled to deposit rent before Ld. Court month by month in the name of the defendant. The plaintiff is businessman and also a senior citizen and has been living along with his son and other family members at the suit flat in question and most of time plaintiff go out of Kolkata due to his work and taking advantage the defendant with help of his men caused obstruction to the plaintiff's son and other family members for peaceful living at both the suit flats. On 21.09.2022 the defendant brought some outsiders and threatened the plaintiff and his family members for immediate vacate the suit both flats. Plaintiff was compelled to file an application u/s 144(2) of CrPC before Ld. Executive Magistrate at Sealdah being M.P Case no. 1407/2022.

The cause of action arose on 15.09.2022 and day to day at premises no. 7B, Congress Exhibition Road, P.S Beniapukur, Kolkata-14.

Plaintiff filed PAN CARD, Rent receipts, rent controll challans, Telephone bill, electricity bill, copy of ordersheet an application u/s 144(2) of CrPC etc.

On perusal of the documents produced by the plaintiff as well as on the face of the record, it appears that the plaintiff is residing in the suit properties (schedule A and B) along with his family members and the documents relied by the plaintiff, evident the fact that the plaintiff is in physical possession of the suit properties and continuing paying the rent to the defendant. If the defendant is succeeded to oust the plaintiff from the suit premises, plaintiff will suffer irreparable loss and injury.

At this point of time, plaintiff prima facily proved his legal right over the schedule property and balance of convenience and inconvenience also lies in favour of the plaintiff.

Contdp.2

P.2.

Accordingly, plaintiff is entitled to get ad interim restraint order.

Hence, it is

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that, the defendant and his men and agents are hereby restrained from creating any kind of disturbance or interfering in the peaceful possession of the plaintiff in (A and B) schedule of suit properties and also hereby restrained from dispossessing or ousting the plaintiff from the suit properties without due process of law.

The order of ad interim injunction is subject to extension from time to time, if prayed for and allowed or unless changed or varied.

Plaintiff is directed to comply with this order strictly according to law.

To date for filing objection by the defendant if any.

Lipika Das

D/c by me.

Lipika Das

**CJ(JD) 2nd Court
Sealdah.**