

Title Suit No. 52 of 2025

CIS No. 52 of 2025

CNR No. WBBK07-000083-2025

Present : Sri Tanumoy Karmakar (J.O. Code: WB01209)

Order no. 07

Dated 01-06-2026

Today is fixed for SR & AD in respect of defendant no. 2, 7, 9 to 12 and W.S. by defendant no.1,3 to 6, 8 & 14 to 21 and W.O. by defendant no.1 against temporary injunction application.

Memorandum of appearance filed by the plaintiffs and defendant no. 1,3 to 6, 8 & 14 to 21.

No SR has been received yet in respect of defendant no. 2, 7, 9 to 12.

Ld. Counsel for plaintiffs files one petition under Section 151 of the CPC and inter alia submitted that plaintiffs were directed to file requisites for defendant no. 2, 7, 9 to 12 in the meantime, but plaintiffs failed to take steps in the meantime and accordingly, the said petition under Section 151 of CPC was filed.

Today requisites filed in respect of defendant no. 2, 7, 9 to 12.

Accordingly, the application filed under Section 151 of the CPC is hereby allowed.

Let the requisites be issued at once.

Suit Clerk to do the needful.

Ld. Counsel on behalf of the plaintiffs also filed one application for extension of the ad interim order of injunction.

On careful scrutiny of the case record it appears that plaintiffs failed to comply the provision under Order 39 Rule 3(a) & 3(b) of the CPC after bagging the injunction order on ad interim basis.

Although, there is no specific rule described in the CPC where plaintiffs failed to comply the above mentioned provision and the consequence thereof, but it is basic principle of natural justice to inform the order of injunction to the defendant against whom the order of injunction was passed on ad interim basis within 24 hours as described in the said provision.

As the plaintiffs miserably failed to comply the provision under Order 39 Rule 3(a) & 3(b) of the CPC, the application for extension of ad interim order of injunction is hereby rejected.

On the other hand, Ld. Counsel on behalf of defendant no.1,3 to 6, 8 & 14 to 21 filed one adjournment application with a prayer for time for filing W.S.

It appears from the record that defendant no. 1,3 to 6, 8 & 14 appeared in this suit on 04-12-2025, but they did not file any W.S. till today. Therefore, the stipulated time for filing W.S. for defendant no. 1,3 to 6, 8 & 14 has already been over.

Accordingly, the time petition is rejected.

Thus, the instant suit shall be proceeded as ex parte against defendant no. 1,3 to 6, 8 & 14.

Similarly, the application for time for filing W.O. against injunction application by defendant no.1 is also rejected.

To **03-08-2026** for SR & AD in respect of defendant no. 2, 7, 9 to 12 and hearing of temporary injunction application as ex parte.

Update CIS forthwith.

Dictated & Corrected by me.

Civil Judge (Sr. Divn.), Bishnupur

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