

## **T.S. No. 2015 of 2020**

### **Order No. 2**

**13.02.2020**

Injunction application is moved by the Ld. Lawyer for the plaintiff.

In the margin of this application, it appears from the office report that no caveat has been filed till 12.02.2020.

In course of hearing the injunction application, Ld. Lawyer for the plaintiff submits that originally one Harindra Nath Mukhopadhyay was inducted as a tenant in the year of 1921 in respect of two rooms in the first floor and one room in the ground along with the right to use common water tap, bathroom and privy on the ground floor at premises no. 29A, Avinash Kabiraj Street, Kolkata – 5 morefully as described in the schedule of the plaint. @ Rs. 30/- p.m. Payable accordingly to English calender month under the Hriday Bhushan Gupta the predecessor-in-0iuninterest of the defendants. In the year of 1966 premises no. 29A, Avinash Kabiraj Street was divided in two parts by the then landlords and one premises became 29A and other 29B, Avinash Kabiraj Street.

But the main entrance, water tap, bathroom and privy remained comon with those two premises and the suit premises is still lying at 29A, Avinash Kabiraj Street. The plaintiff no. 1 is an unmarried grand-daughter and plaintiff no. 2 is a grandson of the original tenant Harindra Nath Mukhopadhyay and they have been staying and occupying in the same premises since death of the Harindra Nath Mukhapadhyay and have been paying monthly rent to the defendant against the rent receipt. In this way, the defendant has received the rent till the month of July 2019 and thereafter, on and from August 2019 defendant refused to accept the rent but on various pretext, they threatened the defendants and pressurized to quit and vacate the suit premises.

On 8th February 2020, all on a sudden the defendant along with Supreya Gupta and Sandip Roy both being a son-in-law of the defendant came to the plaintiffs and pressurized to vacate the premises in lieu of some consideration amount and claimed that plaintiffs have no right to stay and enjoy the tenancy. So, their interest have been clouded and has come to this court with a prayer for relief by way of passing order of injunction restraining the defendants, their men, agents and servants from disturbing the peaceful use and enjoyment of the suit premises with right of free ingress and egress along with use of essential service and amenities and the plaintiffs should not be dispossessed without process of law.

In support of the plaintiff's claim they have annexed rent receipt for the month of June, July 2019, rations cards, voter ID Cards, electricity bills and copy of complaint to the concerned police station.

Having heard the Ld. Lawyer for the plaintiff and having perused the plaint, injunction application and annexures thereto, it appears that strong prima facie case is made out in favour of the plaintiff and balance of convenience and inconvenience is lying in

favour of them.

Issue show-cause notice to the defendants within 15 days from the date of receipt of notice as to why the order of injunction as prayed for shall not be granted in favour of the him.

At the same, there is a chance of defeating the purpose of injunction application by delay if ad interim order of injunction is not passed immediately.

Accordingly, the defendant, his men, agents and servants are hereby restrained from disturbing the plaintiffs from peaceful use and enjoyment of their tenancy in the suit schedule property on and from today to till 12.03.2020.

Plaintiffs to comply the Rule 3 (a) and (b) of the order 39 CPC at once.

Plaintiff to put the requisite at once.

Dictated & corrected by me:

Judge

Judge