

Title Suit No. 64 of 2025

Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)

Order No.02/ Dated 10.02.2025

Record is put up today on the prayer of the plaintiff.

The plaintiff has filed one application under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C.

From the office report, it appears that no caveat has been filed till this date.

The ad-interim injunction application is moved today by the Ld. Advocate for the plaintiff.

Having heard the learned Advocate of the plaintiff and on perusal of the plaint, petition under Order XXXIX Rules 1 and 2 of the C.P.C. and the documents annexed thereto, it appears that the plaintiff has acquired the suit vehicle described in the schedule of the petition with the financial assistance of Rs. 21,64,771/- provided by the defendant with a stipulation to repay the same 59 monthly installments of Rs.52,035/- commencing from 20.10.2019 and some installments are due and for such default the defendant is threatening to repossess the vehicle forcibly and it is prayed to pass an ad-interim order of temporary injunction in terms of prayer of the petition.

On perusal of the loan account statement annexed with the petition, it appears that the plaintiff has admittedly made some default in payment of monthly installments though he has paid substantial sum and if the possession of the vehicle is resumed by the defendant without due process of law, plaintiff will suffer irreparable loss and injury. Let there be an ad-interim order of temporary injunction restraining the defendant and his men and agents from taking possession of the vehicle bearing Registration No.WB-29B-9793 without due process of law till the next date fixed subject to payment of regular EMI.

Issue notice upon the defendant directing them to show cause within 15 days, as to why an order of temporary injunction shall not be granted against them in terms of the prayer so made by the plaintiff.

Plaintiff to comply the provisions of Order 39 Rule 3(a) & (b) of the C.P.C.

Fix **07.03.2025** for S/R, A/D and appearance.

Requisites be filed at once.

D/c by me,

Judge, Bench-V
City Civil Court, Calcutta

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