

Title Suit No. 297 of 2024 (CNR WBCC01-1380-2024)

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

Order No.01/ Dated 21.02.2024 (Later)

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. 13,00,000/- provided by the defendant with a stipulation to repay the same in 47 monthly installments @ Rs. 39,700/- commenced from 05.07.2023 to 05.05.2027 and the plaintiff paid 07 installments from 05.07.2023 till 04.01.2024 and one installment is due till January, 2024 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 documents annexed with the petition, it appears that that the said vehicle which was purchased by the plaintiff admittedly hypothecated to the defendant and since the plaintiff has invested a substantial sum in acquiring the suit vehicle, I am inclined to allow the prayer for ad-interim order of temporary injunction restraining the defendant and his men and agents from taking possession of the vehicle bearing No. WB-65E-0521 without due process of law till the next date fixed.

Issue notice upon the defendants 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 **20.03.2024** 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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