

Title Suit No. 211 of 2025 (CNR WBCC01-001804-2025)

Present : Sri S. Dasgupta (J.O. Code: WB01246)

Order No. : 02 / Dated : 12.02.2025

Record is put up today by a put up petition filed by the plaintiff/petitioner.

The plaintiff/petitioner has filed one application under Order 39 Rule 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/petitioner.

Considered.

It appears from the petition praying for ad-interim injunction that the petitioner has stated that Tarak Nath Dutta, since deceased, was the absolute owner and possessor of the suit property and had sold and transferred the suit property to Biswanath Sadhukhan by a registered deed bearing no.3540 dated 11.03.2000.

It is further stated that the said Biswanath Sadhukhan transferred the suit property to the present plaintiff by deed bearing no.1903, page no.18363-18383 dated 15.12.2022. Thus the plaintiff became the absolute owner of the suit property.

It is stated that defendants have no right, title, interest and possession over the suit property but the defendants and their men and agents have made one after another attempt to take possession of the suit property through their illegal activities. Ultimately, the plaintiff lodged a diary in the local P.S. on 14.01.2025 by registered post with A/D. The local P.S. received the same but no step has been taken. As such, the plaintiff has prayed for an ad interim order of injunction in terms of the prayer of the instant petition.

Having heard the Ld. Advocate for the plaintiff/petitioner and taking into account the entire facts and circumstances of the instant case, this Court has come to the conclusion that an ad-interim injunction in the form of **status quo** should be passed right now, otherwise the very purpose of granting injunction would be defeated by delay and the plaintiff/petitioner will suffer from irreparable loss and injury which cannot be compensated by monetary value. The plaintiff/petitioner has been able to make out a prima facie case in order to get ad-interim order of injunction as prayed for. Balance of convenience and inconveniences are in favour of the plaintiff/petitioner. That apart, I find urgency in the matter.

Hence, it is

ORDERED

that the plaintiff/petitioner's prayer for ad-interim injunction is considered and allowed, directing the parties i.e. the plaintiff/petitioner and the defendants/opposite parties to maintain **status quo** in respect of the suit property as described in the schedule of the instant petition as on this date till **12.03.2025**.

Issue notice upon the defendants/opposite parties directing them to showcause within 15

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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/petitioner.

Plaintiff/petitioner to comply with the provision as laid down in Order 39 Rule 3(a) & 3(b) of C.P.C. at once.

To date (12.03.2025) for S/R, A/D and appearance.

Requisites be filed at once.

D/c by me,

Sd/-

Judge, Bench-III,
City Civil Court, Calcutta.

Sd/-

Judge, Bench-III,
City Civil Court, Calcutta.