

Title Suit No. 2077 of 2025

Present: Sri Subhash Kumar Kar, Judge-in-charge, Bench-XI (WB00592)

Order No.01/ Dated 16.09.2025 (Later)

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 lodged till date.

An application under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C. is moved today by the Ld. Advocate for the plaintiff.

Having heard the Ld. Advocate and on consideration of the plaint, petition under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C and documents annexed thereto it appears that admittedly the defendant and the plaintiff are full blood brothers and plaintiff permitted the defendant to stay in his tenanted premises described in the schedule of the property for a period of one month so that defendant can find out a suitable accommodation in Kolkata for his residence sometimes in the month of April, 2024 and after the expiry of the said period defendant did not shift himself with his family from the suit property and the defendant did not vacate the suit property despite several request from the plaintiff and ultimately plaintiff had issued one notice on the defendant to vacate the said premises and defendant threatened the plaintiff for creating a third party interest in respect of the suit property and it is prayed to pass an ad-interim order of temporary injunction in terms of his prayer.

On perusal of the documents annexed with the petition it appears that plaintiff is a tenant in respect of the suit property under Mustari Begum and other and having regards to the prima facie case made out by the plaintiff, let there be an ad-interim order of temporary injunction restraining the defendant from creating any third party interest in respect of suit property till the next date fixed.

Issue notice upon the defendant directing him to show cause within 15 days, as to why an order of temporary injunction shall not be granted against him 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 25.11.2025 for S/R, A/D and appearance.

Requisites be issued at once.

D/c by me,

Judge, Bench-V
City Civil Court, Calcutta

Judge, Bench-V
City Civil Court, Calcutta