

T.S. - 566/24 CNR – WBCC0103036-2024

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 02

10.4.24

The Ld. Advocate for the plaintiffs moves the application under Order 39 Rules 1 and 2 read with section 151 of CPC today for an ad-interim order of temporary injunction.

It is reported from the office that no caveat is pending. Accordingly the petition is taken up for hearing.

Heard the Ld. Advocate for the plaintiffs at length.

Requisites have been put in.

Issue notice upon the defendants, calling upon them to show cause within 15 days from the date of receipt of this notice as to why the prayer for temporary injunction shall not be granted.

In short, the case of the plaintiffs is that their predecessor in interest maintained a locker as described in schedule to the instant application with the defendants but after the death of their predecessor in interest, the defendants are refusing to give access of the locker to the plaintiffs. Thereafter the plaintiffs issued a letter to the defendants for getting access to the locker, but the defendants paid no heed to such request and hence the instant suit with the present application.

Upon considering the submissions made by the Ld. Advocate for the plaintiffs as well as regard being had to the copies of documents furnished on their behalf including correspondences, nomination registration, death certificate, Adhar cards, birth certificates, marriage certificate etc., though it may appear at this stage that the plaintiffs may have some stake in the locker as described in schedule to the instant application but at the same time I do not find any exigency involved in the matter. In such circumstances, I think it will not be just, proper or wise to pass any ad-interim order without hearing the defendants.

Considered as such, the prayer for ad-interim order for temporary injunction is considered and refused.

To date for S/R and A/D.

D/C by me

Judge

Judge 2nd Bench