

T.S. 1047 of 2020

Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB 00592)

Order No. 15/ Dated 14.06.2023

Plaintiff files Lawyer's hazira.

No steps is taken on behalf of the defendant.

The date is fixed for hearing of the injunction petition.

The petition filed by the plaintiff under Order 39 Rule 1 & 2 of C.P.C, praying for injunction is taken up for hearing.

Ld. Advocate appearing for the plaintiff submitted that a credit card was issued by the defendant no. 1 through his agent to the plaintiff no. 2 for the purpose of paying bills and shopping and ultimately, a settlement was arrived at in between the defendants and the plaintiff no. 2 and it was settled to liquidate the dues by 6 (Six) equal installments and despite settlement of the dues, the defendants have engaged tale-callers for making spurious calls to the plaintiffs and accordingly, it was intimated to the Officers of the defendant no. 1 but no measures was taken preventing them from some spurious calls and thereafter, one person came to the house of the plaintiff and demanded money from the plaintiff no. 1 against the due amount of the credit card in presence of the other members of the society and thereafter, the defendant was creating continue demand and threat over phone by engaging anti-social elements and the matter was reported to the Joint Commissioner of Police, (Crime) on 01.10.2020 and Lawyer's notice was issued on the defendants on behalf of the plaintiffs and under such circumstances, it is prayed for order of injunction to restrain defendant nos. 1 to 3 and their men and agents from making any phone calls to the defendant no. 2 and further restrained them and their men and agents from making entry at the resident and office of the plaintiffs.

On perusal of the record, it appears that the instant suit was filed for declaration of compensation for damages and defamation for wrongful acts and on perusal of the fact, I do not find any particulars of any defamatory articles either spoken or written and it further appears to me that no prayer for injunction has been prayed as final relief.

Since, the plaintiff has failed to make out any prima facie case in support of his claim, I am not inclined to allow the prayer for injunction.

Hence, the petition under Order 39 Rule 1 & 2 of C.P.C stands rejected.

Dictated & Corrected by me:

(Sd/-Subhash Kumar Kar)
Judge, Bench-V
City Civil Court, Calcutta

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