

**T.S. No. 1004 of 2019**

**Order no. 2**  
**31.07.2019**

Injunction application under Order 39 Rule 1 and 2 read with Section 151 of the CPC is moved by the Ld. Lawyer for the plaintiff.

In the margin of the application of injunction application, the office report shows that no caveat has been filed till 30.07.2019.

Ld. Lawyer for the plaintiff submits that he is a tenant of the suit premises. Defendant no. 1 is the landlord. Defendant no. 2 is outsider or adjacent occupier. It is further submitted that the suit premises is included the tenancy of the plaintiffs which is passage and that has been supported and corroborated by the Annexure A running page 9, 10, 11, 12, 13, 14, 15 and 16.

It is further submitted that defendant no. 2 and their men and agents are preventing for free ingress and egress of the suit premises as passage and also keeping some materials, creating obstruction though this passage is within the tenancy of the plaintiff. So, in this juncture, he has prayed for restraining the defendants and their men and agents from entering, using, keeping materials and obstructing ingress and egress of the eastern side passage situated at the premises no. 4, Beadon Street, Kolkata – 6.

I have carefully gone through the injunction application and its annexures, specially rent receipt running pages 12 and 13 shows that plaintiff seems to be a tenant of the suit premises and running page 9 a letter addressing to Chief Executive Engineer, KMC written by defendant no. 1 as a landlord admits that the suit premises as common passage is in occupation of plaintiff and is a part of his tenancy.

Having considered the application, materials on record including annexures, I hold that there is strong prima facie case in favour of the plaintiff and balance of convenience and inconvenience is also lying in favour of the plaintiff.

Considering it, defendant and his men and agents including servants are hereby restrained from keeping any material and obstructing ingress and egress of the eastern side passage of suit premises no. 4, Beadon Street, Kolkata – 700 006 as described in the schedule of the plaint as well as injunction petition as on today to till 26.08.2019.

Issue notice calling upon the defendants asking them to show cause as to why the order of injunction as prayed for shall not be granted against them.

Plaintiff to comply the Rule 3 (a) and (b) of Order 39 of the CPC at once.

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

Dictated & corrected by me:

Judge

Judge