

Title Suit No. 482 of 2025 (CNR WBCC01-003878-2025)
Present : Sri S. Dasgupta (J.O. Code: WB01246)

Order No. : 02
Dated : 19.03.2025

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

The plaintiff 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.

Perused the injunction application, its enclosures and the case record.

The plaintiff has stated that the plaintiff is the owner of one residential Flat being No.6A, measuring carpet area of about 1496 sq.ft. and 1870 sq.ft. covered area on the 6th floor at premises No.11, Kishanlal Burman Road (formerly known as 11, 11/1, 12 & 13, Kishanlal Burman Road and 9, 10, & 11, Hazarimall Shah Road), P.S. Malipanchghara, Dist. Howrah, Pin – 711106 by gift deed dated 9th July, 2024.

The plaintiff has stated that in the first week of March, 2025 at 10:30 p.m. the opposite party bank and their men, agents and associates came into the plaintiff's flat to ascertain who is actually in physical possession of the said flat and also that the opposite party bank threatened the plaintiff that they will come back again soon.

The plaintiff has stated that thereafter, on 15.03.2025 at about 10:30 a.m. the opposite party bank and their men, agent and associates tried to oust the plaintiff and their family members from their lawful possession of the said flat and that on the same day, the plaintiff lodged a written complaint before the Officer-in-charge, Malipanchghara police station against the opposite party bank. Hence, the plaintiff has filed the instant suit and has prayed for ad-interim order of injunction.

Having heard the Ld. Advocate for the plaintiff and after taking into account the entire facts and circumstances of the instant case, this Court has come to the conclusion that an ad-interim order of 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 will suffer from irreparable loss and injury, which cannot be compensated by monetary value. The plaintiff 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 inconvenience are in favour of the plaintiff. That apart, I find urgency in the matter.

Hence, it is

ORDERED

that the plaintiff's prayer for ad-interim injunction is considered and allowed, directing both the parties i.e. the plaintiff/petitioner and the defendant/opposite party to maintain **status quo** in respect of the suit premises regarding nature, character and possession as on this date till **22.04.2025**.

Issue notice upon the defendant/opposite party, directing them to showcause within 15 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.

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

Fix **22.04.2025** 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.

