

Title Suit No. 512 of 2025 (CNR WBCC01-004174-2025)

Present : Sri S. Dasgupta (J.O. Code: WB01246)

Order No. : 02

Dated : 25.03.2025

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

The plaintiff has filed an application under Order 39 Rule 1 & 2 read with section 151 of the 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 co-owner of the premises No.139, Rabindra Sarani, P.S. Burrabazar, Kolkata – 700073. The plaintiff has stated that the present plaintiff became the joint owner of the said premises by way of inheritance of law. The said premises had been purchased by his father on 30.04.1993 and the said premises is mainly tenanted for rent.

The plaintiff has stated that the defendant No.1 was inducted as a tenant in respect of one shop room on the ground floor of the said premises, at a monthly rental of Rs.2200/-, payable according to English Calendar month and that the defendant No.2 is the relative of the defendant No.1. The defendant No.1 paid the rent lastly for the month of August, 2024 to the plaintiff and thereafter, no rent has been paid by the defendant No.1 to the plaintiff.

The plaintiff has stated that in the recent past, the defendant No.1 in association with the defendant No.2 started their illegal acts by covering the entire shop room for illegal construction work without the permission from the plaintiff as well as from any authority.

The plaintiff has stated that finding no other alternative, the plaintiff had filed a petition u/s 163(3) of BNSS before the Ld. Executive Magistrate, 6<sup>th</sup> Court, Calcutta being M.P. Case No.118/2025 and the Ld. Court had directed the O/C, Burrabazar P.S. to see that no breach of peace took place over there and also directed him to call for an enquiry.

The plaintiff has stated that the defendants also made attempts on previous occasion but could not succeed in their illegal attempts due to strong resistance of the plaintiff.

The plaintiff has stated that thereafter, the plaintiff issued an eviction notice upon the defendants through their lawyer on 21.03.2025, which was received by the defendants.

The plaintiff has stated that on enquiry from reliable sources, the plaintiff came to know that the defendants are eager to change the nature and character of the suit premises by way of making illegal additions and alterations in the suit premises and tried to let out the same to a third party without consulting the plaintiff and/or obtaining prior permission in writing from the plaintiff and any other appropriate authority. As such, the plaintiff is praying for ad-interim injunction order against the defendants.

Having carefully perused the materials on record and having heard the Ld. Advocate for the plaintiff and taking into account the entire facts and circumstances, this Court has come to the conclusion that an order of ad-interim injunction should be passed right now, otherwise the very purpose of granting injunction would be defeated by delay and the same will invite multiplicity of proceedings. The plaintiff has been able to make out a prima facie case in order to get the ad-interim

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order of injunction as prayed for. Balance of convenience and inconvenience are in favour of the plaintiff. This is a case where if an ad-interim order of injunction as prayed for is not passed then the same will cause irreparable loss and injury to the plaintiff, which cannot be compensated by monetary value. That apart, I find urgency in the matter.

Hence, it is

**ORDERED**

that the plaintiff's prayer for ad-interim injunction is hereby considered and allowed, restraining the defendants and their men and agents from making any unauthorized additions and alterations in the suit premises and also restraining them from subletting, assigning, transferring and parting with the possession of the suit premises till **25.04.2025**.

Issue notice upon the defendants, 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 provisions as laid down in Order 39 Rule 3(a) & 3(b) of C.P.C. at once.

Fix **25.04.2025** 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.