

**Title Suit No. 513 of 2025**

**Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)**

**Order No.02/ Dated 06.05.2025**

Record is put up today on the prayer of the plaintiff.

Plaintiff has filed one application under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C.

From the office report, it appears that no caveat has been lodged till date.

An application under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C. is moved today by the Ld. Advocate for the plaintiff.

Having heard the Ld. Advocate and on consideration of the plaint, petition under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C and documents annexed thereto it appears that that one Bikarama Prasad Shaw father of the plaintiff was a tenant in respect of the suit shop room under one Bhagelu Shaw and said Bikarama Prasad Shaw used to carry on business in the said shop room along with one Kamala Shaw though rent bill was issued in the name of Bikarama Shaw and the said shop room was in possession of the plaintiff since the time of demise of his father, Bikarama Shaw and the defendant nos. 1 and 2 made attempt to oust his father Bikarama Shaw from the possession of the suit property during his lifetime; but they could not succeed in their attempt and after demise of Bikarama Shaw they became active and dispossessed the plaintiff from the suit property on 01.10.2024 and it is prayed to pass an ad-interim order of temporary injunction in terms of the prayer.

On perusal of the documents annexed with the petition, it appears that Bikarama Shaw was a tenant under Bhagelu Shaw as it appears from the rent receipt and trade license goes to show that said Bikarama Shaw was running a business from the said shop room under the name and style of M/s. Bikram Iron & Steel Agency and it appears from the complaint dated 04.02.2025 lodged with the Officer-in-charge of the local police station that he was dispossessed from the said shop room on 01.10.2024 by the defendant nos. 1 and 2 forcibly.

Since, this is a suit under Section 6 of the Specific Relief Act and the same has been filed within the period of limitation, having regards to the prima facie case made out by the plaintiff, the prayer for ad-interim order of temporary injunction is allowed and defendant nos. 1 and 2 are directed to maintain status-quo as to the nature, character and possession of the suit property as on today till the next date fixed.

Issue notice upon the defendants directing them to show cause 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.

Fix 05.06.2025 for S/R, A/D and appearance.

Plaintiffs to comply the provisions of Order 39 Rule 3(a) & (b) of the C.P.C.

Requisites be issued at once.

D/c by me,

Judge, Bench-V  
City Civil Court, Calcutta

Judge, Bench-V  
City Civil Court, Calcutta