

Title Suit No. 567 of 2025 (CNR WBCC01-4464-2025)

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

Order No.02/ Dated 02.04.2025

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 plaintiff is one of the co-sharer in respect of premises no. 12/H/6, Bed Fort Lane under P.S. Park Street described in schedule-A of the plaint. Defendant no. 1 is a tenant in respect of the suit room situated in the said premises and described in schedule-B of the plaint and it is alleged that the defendant has kept the suit room under lock and key since 2001 and an Ejectment suit being no. 91 of 2018 is pending before the Ld. Chief Judge, Presidency Small Causes Court at Calcutta and defendant nos. 2 and 3 attempted to take forcible possession of the suit property by breaking open the padlock on 22.03.2025 at about 03:00 PM with the help of the local antisocials and on being resisted they could not succeed in their attempt and a complaint was lodged with the local police station 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 the premises was owned by one Hydar Ali who died on 10.07.1968 and his wife Rabia Nnisa Bibi also died on 30.11.2014 and from the rent receipt dated 01.12.1991 and 08.06.1995 it appears that the defendant no.1 used to pay rent and a complaint was lodged on 25.03.2025 with the Officer-in-charge of Park Street, P.S by the plaintiff himself and therefore let there be an ad-interim order of temporary injunction directing the parties 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 30.04.2025 for S/R, A/D and appearance.

Requisites be issued at once.

D/c by me,

Judge, Bench-V
City Civil Court, Calcutta

Judge, Bench-V
City Civil Court, Calcutta