

**Title Suit 567 of 2025**

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

**Order No. 05 / Dated 11.06.2025**

Parties have taken their respective steps.

Date is fixed for hearing of the petition under Order XXXIX Rules 1 and 2 of the C.P.C.

Heard both sides on the petition.

Seen the record.

Plaintiff, Dilshad Ali has filed this suit for declaration and injunction against Zohed Naushad and two others and he has also filed one petition under Order XXXIX Rules 1 and 2 of the C.P.C. with the prayer for temporary injunction in terms of the prayer on the premises that plaintiff is one of the co-sharer in respect of the suit property and the defendant no. 1 is a tenant in respect of the suit property who has kept the suit property under lock and key for a prolonged time and defendant nos. 2 and 3 had made attempt to enter into the said room by breaking open the padlock.

It appears from the record that an ad-interim order of temporary injunction directing the parties to maintain status-quo as to the nature, character and possession of the said property as on the date was passed vide Order no. 02 dated 02.04.2025 and the said order is still in force.

Ld. Advocate appearing for the defendants submitted that admittedly suit property is under possession of defendant no. 1 and no prejudice will be caused to him if the ad-interim order of temporary injunction is made absolute.

Ld. Advocate appearing for the plaintiff submitted that he has no objection if the prayer of the defendant no. 1 is allowed.

On perusal of record, it appears that admittedly suit property is in possession of the defendant no. 1 and therefore having regards to the

prima facie case made out by the plaintiff, I am inclined to allow the petition.

Hence, it is

**ORDERED**

that the petition under Order XXXIX Rules 1 and 2 of the C.P.C. is allowed on contest; but without any cost and the ad-interim order of temporary injunction passed on 02.04.2025 is made absolute till the disposal of the suit.

Defendants are directed to file the written statement by the date fixed.

Fix 10.09.2025 for filing written statement by the defendant.

D/c by me,

Judge.

Judge, Bench-V,  
City Civil Court, Calcutta.