

Title Suit No.1047 of 2023.

Present : Sri Subhasis Ghosh, Judge, Bench-III (In-Charge)
(J.O. Code - WB00579).

Order No.02, dated 13.06.2023

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

Plaintiff has filed one application under Order 39 Rule 1 and 2 of the C.P.C.

From the Office Report, it appears that no Caveat has been filed till date.

The ad-interim injunction prayer is moved today by the Ld. Advocate for the Plaintiff.

Perused the Injunction Application and the case record.

Considered.

Issue notice upon the Defendant directing them to show cause by 06.07.2023 as to why an order of temporary injunction shall not be recorded against them in terms of the prayer so made by the Plaintiff.

It is submitted by Ld. Advocate for the Plaintiff that Plaintiff is a tenant in respect of 'B' Schedule property and Plaintiff handed over the possession of the 'B' Schedule property to the developer, i.e. the Defendant for the purpose of development of the entire premises. The Defendant did not take any care to hand over the possession of the said premises in favour of the Plaintiff. Now, the Defendant is trying to create third party interest in respect of the 'B' Schedule property, which is the tenanted portion of the plaintiff.

Having heard the Ld. Advocate for the Plaintiff and taking into account the entire facts and circumstances of this case, this Court has come to a conclusion that the Plaintiff has failed to make out a prima-facie case in order to get an ad-interim injunction as prayed for. Balance of convenience and inconvenience are not in favour of the Plaintiff. That apart, I find no urgency in the matter.

Accordingly, the Plaintiff's prayer for ad-interim injunction is disposed of by way of rejection.

To date, i.e. 06.07.2023 for S/R, A/D and appearance.

Dictated & corrected by me,

Sd/-

Judge.

Sd/- Subhasis Ghosh
Judge, Bench-III (In-Charge),
City Civil Court, Calcutta.