

Title Suit No. 702 of 2025 (CNR WBCC01-5851-2025)

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

Order No.02/ Dated 24.04.2025

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 a tenancy was created in between the defendant company and M/s. Novus Guest House through its proprietor Raju Mishra and it is the case of the plaintiff that after taking over the suit property she is running a guest house business with the knowledge of the defendant and by a separate deed of lease dated 04.08.2017 creating in between defendant and one Novas Impex Pvt. Ltd. in respect of a portion of the suit property and a Title Suit being no. 407 of 2022 was filed in respect of the said lease agreement which has been referred to the arbitration and on 08.03.2024 plaintiff suddenly noticed a distress warrant of Rs.46,23,217/- pasted by the officials of the Kolkata Municipal Corporation on the suit property for recovery of the dues from the owner of the premises and thereafter 09.04.2025 at about 05:40 PM the men and agents of the defendants came on the suit property and tried to oust the plaintiff forcibly and it is prayed to pass an ad-interim order of temporary injunction.

On perusal of the unregistered agreement annexed with the petition it appears that a leave and license agreement was executed in between one Raju Mishra proprietor of Novus Guest House and the defendant on 01.11.2018 for a period of five years and nothing has come on record to show that the said leave

and license was renewed for any further period after it was expired on 31.08.2023 and therefore no ad-interim order of temporary injunction can be issued without hearing the adversary and accordingly prayer for ad-interim order of temporary injunction stands refused.

Issue notice upon the defendant directing him to show cause within 15 days, as to why an order of temporary injunction shall not be granted against him in terms of the prayer so made by the plaintiff.

Fix 02.09.2025 for S/R, A/D and appearance.

Requisites be issued at once.

D/c by me,

Judge, Bench-V
City Civil Court, Calcutta

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