

Title Suit No.1338 of 2023(CNR WBCC01-007009-2023).
Present : Sri Subhash Kumar Kar (WB00592), Judge-in-charge, Bench-III.

Order No.2 / dated 08.08.2023

Record is put up today by a put up petition filed by the plaintiff.

Plaintiff files an application under Order 39 Rule 1 and 2, read with section 151 of the C.P.C. with a prayer for ad-interim temporary injunction.

No Caveat is lodged as reported by the Office.

The petition under Order 39 Rule 1 and 2, read with section 151 of the C.P.C. is taken up for hearing.

Heard the Ld. Advocate for the Plaintiff.

Perused the petition along with the annexed documents.

It is contended by the plaintiff that he is a tenant in respect of one shop room described in the schedule of the petition and by reason of fire broken out in the suit building in the intermittent night 20.12.2022 / 21.12.2022, the building was substantially damaged and thereafter, the proforma opposite parties who are the landlords, the opposite party who is a developer had entered into an agreement for developing of the building on condition that the plaintiff will be restored his possession after re-construction of the building and accordingly, he delivered the possession to the defendant no.1 and it was agreed that the possession of the plaintiff was restored within 48 months from the delivery of the possession and it is not restored in spite of demand. He prayed for ad-interim order of temporary injunction in terms of the prayer of petition.

On perusal of the documents annexed with the petition it is not clear whether defendant no.1 has completed the re-construction of the demise premises and thereafter, I do not find any prima facie case in favour of the plaintiff to favour him with an ad-interim order of temporary injunction and it is refused accordingly.

Issue notice upon the Defendant directing him to show cause as to why an order of temporary injunction shall not be granted against him in terms of the prayer so made by the Plaintiff within 7 days from the date of receipt of the notice.

Requisites at once.

Fix 21.08.2023 for S/R, A/D and appearance.

Dictated & corrected by me,

Sd/-
Judge.

Sd/-
Judge-in-charge, Bench-III,
City Civil Court, Calcutta.