

Title Suit No. 964 of 2025 (CNR WBCC01-007926-2025)

Present : Sri S. Dasgupta (J.O. Code: WB01246)

Order No. : 02/Dated : 23.05.2025

The plaintiff/petitioner has filed an application under Order 39 Rule 1 & 2 read with section 151 of C.P.C.

From the office report it appears that no caveat has been filed till this date.

The ad-interim injunction application is moved today by the Ld. Advocate for the plaintiff.

Perused the injunction application, its enclosures and the case record.

It appears from the petition praying for ad-interim injunction that the plaintiff is apprehending that the vehicle having **Registration No. WB-23D-7128** will be forcibly seized by the defendant/opposite party at any point of time. The plaintiff has stated that the plaintiff has paid an amount of Rs. 8,55,000/- to the defendant against the loan amount of Rs.5,53,187/- and there is some due on account of monthly installment in respect of the said loan. The plaintiff has undertaken to pay the same by monthly installment. The plaintiff has further submitted that through the vehicle he earns his livelihood and that he has made massive investment for purchase of the said vehicle. The plaintiff has further alleged that on 16.05.2025 when the said vehicle was plying in front of 25, M. G. Road, P.S. Burrabazar, Kolkata – 700007, a group of persons identifying themselves as recovery agents of the defendant had attempted to forcibly take possession of the said vehicle, but could not do so due to the intervention of the driver of the said vehicle.

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 the conclusion that an ad-interim order of injunction in the form of **status quo** should be passed right now, otherwise the very purpose of granting injunction would be defeated by delay and the plaintiff will suffer from irreparable loss and injury, which cannot be compensated by monetary value. The plaintiff has been able to make out a prima facie case in order to get ad-interim order of injunction as prayed for. Balance of convenience and inconvenience are in favour of the plaintiff. That apart, I find urgency in the matter.

Hence, it is

ORDERED

that the plaintiff/petitioner's prayer for ad-interim injunction is considered and allowed, directing both the parties i.e. the plaintiff/petitioner and the defendant/opposite party to maintain **status quo** over the said vehicle being **Registration No. WB-23D-7128** as on this date in all respects till **23.06.2025**.

Issue notice upon the defendant/opposite party, directing them to showcause 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.

Plaintiff is also directed to pay the installment month by month within the stipulated period as per the agreement, failing which the aforesaid ad-interim injunction order will be vacated by this Court.

It is pertinent to mention here that if any suit, relating to the suit vehicle, was filed earlier before this Court or is pending before this or any other Court prior to the date of this order, the aforesaid ad-interim injunction order will be vacated by this Court.

Plaintiff to comply with the provisions as laid down in Order 39 Rule 3(a) & 3(b) of C.P.C. at once.

Fix **23.06.2025** for S/R, A/D and appearance and for filing current money receipt.

Requisites be filed at once.

D/c by me,

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

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City Civil Court, Calcutta.