

Title Suit No. 1586 of 2024 (CNR WBCC01-8261-2024)

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

Order No.02/ Dated 21.09.2024

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

The 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 filed till this date.

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

Perused the application along with its annexures.

Having heard the Ld. Advocate of the plaintiff and considering the plaint, petition under Order XXXIX Rules 1 and 2 and the documents annexed thereto, it appears that there was a business relationship in between the plaintiff and defendant and out of good faith plaintiff handed over some signed undated blank cheques to the defendant for the purpose of business and after the end of Covid pandemic the plaintiff has settled his outstanding account with the defendant and requested to return back those signed undated cheques but defendant did not return those cheques on different pretext and it has come to the notice of the plaintiff that defendant has encashed one of such cheque for an amount of Rs.71,512/- and unless the defendant is restrained by an ad-interim order of temporary injunction the plaintiff shall suffer an irreparable loss and injury.

Having regards to the pleaded create by the plaintiff, I do not find any scope to pass an ad-interim order of temporary injunction without hearing the adversary and the prayer for ad-interim order of temporary injunction stands refused accordingly.

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.

To-date (05.02.2025) for S/R, A/D and appearance.

Requisites be filed at once.

D/c by me,

Judge, Bench-V
City Civil Court, Calcutta

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