

Title Suit No. 655 of 2024 (CNR WBCC01-003274-2024)
Present : Sri S. Dasgupta (J.O. Code: WB01246)

Order No. : 03

Dated : 24.04.2024

Record is put up by a petition filed by the plaintiffs.

The plaintiffs have filed one application under Order 39 Rule 1 & 2 along with an application under Order 1 Rule 8 read with section 151 of the C.P.C.

At first, the application under Order 1 Rule 8 read with section 151 of the C.P.C., praying for appropriate leave for necessary publication according to law is taken up for hearing.

Heard the Ld. Advocate for the plaintiffs. Perused the materials on record.

Hence, the prayer is considered and allowed.

Now, the application under Order 39 Rule 1 & 2 read with section 151 of the C.P.C. is taken up for hearing.

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 plaintiffs.

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

Considered.

It is stated by the Ld. Advocate for the plaintiffs that the plaintiff No.1 is a Society comprised of Association of Persons registered under the Indian Companies Act, 1913, having its registered office at 225/227, Rabindra Sarani, P.S. Burrabazar, Kolkata -700007. The plaintiff No.2 is the present elected General Secretary of Marwari Relief Society, the plaintiff No.1.

It is also stated that in the election of the Executive Committee of the Society held on 28.03.2024, there was no post of Vice President on offer for their candidature. In the Annual General Meeting of the Society held on 28.03.2024, none of the members of the society had objected to the formation of the new Executive Committee of the society without the post of Vice President.

It is further stated that the defendants are the members of the plaintiff No.1 society. After the publication of the election result of the plaintiff society and assuming of office by the new Executive Committee, the defendants, their men and associates were making various complaints regarding the formation of the new Executive Committee and were canvassing that the present Executive Committee is illegal and cannot continue in their office. It is submitted that the said defendants, their men and associates are disturbing the day to day work and smooth functioning of the society through its new Executive Committee. The defendants even made such complaints through letters, including one such complaint letter dated 03.04.2024 written by the defendant No.2 to the General Secretary.

Having carefully perused the materials on record and having heard the Ld. Advocate for the plaintiffs and taking into account the entire facts and circumstances, this Court has come to the conclusion that an ad-interim injunction should be passed right now, otherwise the very purpose of granting injunction would be defeated by delay and the same will invite multiplicity of proceedings. The plaintiffs have been able to make out a prima facie case in order to get the ad-interim order of injunction as prayed for. Balance of convenience and inconvenience are in favour of the plaintiffs.

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Contd.....

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This is a case where if an ad-interim order of injunction as prayed for is not passed then the same will cause irreparable loss and injury to the plaintiffs, which cannot be compensated by monetary value. That apart, I find urgency in the matter.

Hence, it is

ORDERED

that the plaintiffs' prayer for ad-interim injunction is hereby considered and allowed, **restraining** the defendants, their men and agents from disturbing the day to day affairs and smooth functioning of the daily work of the plaintiff No.1 Society through the newly elected Office Bearers of the Executive Committee of Marwari Relief Society till **22.05.2024**.

Issue notice upon the defendants, 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 plaintiffs.

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

To date (**22.05.2024**) for S/R, A/D and appearance.

Requisites be filed at once.

D/c by me,

Sd/-

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

Sd/-

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