

Present: Sri. Subhasis Ghosh, Judge-in-Charge, Bench-II

(J.O. Code: WB00579)

Title Suit No. 2420 of 2022

Order No. 02

Dated 19.11.2022

Record is placed before me.

The petition under Order 39 Rule 1 & 2 C.P.C filed by the Plaintiff on this day is moved today by the Ld. Advocate for the Plaintiff. It is submitted by Ld. Advocate for the Plaintiff that the Plaintiff along with the Defendant No. 1 have taken a locker at the Defendant No. 2/Bank in their joint names and in the said locker ornaments of the Plaintiff have been kept being locker No. G94 and Key No. 142 and same dispute and differences have arisen between the Plaintiff and the Defendant No. 1 last few months and as a result of which the Defendant No. 1 constantly threatening the Plaintiff that he will take away all the Stridhan properties kept in the aforesaid locker. According to him, the Defendant No. 1 should be restrained from operating the locker otherwise the Plaintiff will suffer from irreparable loss and injury and the same will invite multiplicity of proceedings. Perused the instant petition and the case record.

Considered.

Issue notice upon the Defendants, directing them to showcause by **14.12.2022**, as to why an order of temporary injunction shall not be recorded against them in terms of the prayer so made by the Plaintiff.

Taking into account, the submission of the Ld. Advocate for the Plaintiff and considering the entire facts and circumstances so placed before me, this Court has come into conclusion that an Ad-interim injunction should be passed against the Defendants otherwise the very purpose of filing of this case will be infructuous and the Plaintiff will suffer from irreparable loss and injury. Plaintiff has been able to make out a prima facie case in order to get Ad-interim injunction as prayed for. Balance of convenience and inconvenience are in favour of the Plaintiff. There is a case of irreparable loss and injury which cannot be compensated by monetary value. That apart, I find urgency in the matter.

Hence, it is

ORDERED

that the Plaintiff's prayer for Ad-interim injunction is hereby considered and allowed, restraining the Defendant No. 1 from operating the suit premises(locker) as described in the schedule of the injunction application and restraining the Defendant No. 2 to allow the Defendant No. 1 to operate the locker as mentioned in the schedule of the injunction application without obtaining consent in writing from the Plaintiff till **14.12.2022**. Plaintiff to comply with the provision as laid down in Order 39 Rule 3(a) & 3(b) C.P.C.

Requisites be filed at once.

Dictated & Corrected by me.

Judge-in-Charge, Bench-II
City Civil Court, Calcutta

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