

Title Suit No.2587 of 2023.

Present : Sri Subhash Kumar Kar, Judge, Bench-V.

Order No.2 // dated 21.12.2023

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.

Having heard the Ld. Advocate of the Plaintiff and on perusal of the plaint, the petition under Order 39 Rule 1 and 2 C.P.C. along with the documents annexed thereto, it appears that admittedly Defendant is a tenant in respect of the suit property, which has been let out for commercial purpose and it is the case of the Plaintiff that the Defendant is trying to sublet or transfer the suit property to the third party and it is prayed to pass an ad-interim order of temporary injunction, so that the Plaintiff shall not suffer any irreparable loss and injury.

Since the suit property is in possession of the Defendant, there is a chance of suffering irreparable loss and injury on the part of the Plaintiff, if the Defendant creates any third party interest in respect of the suit property.

Therefore, having regard to the prima-facie case made out by the Plaintiff and considering the balance of convenience/inconvenience, let there be an ad-interim order of **status-quo** as to the nature, character and possession of the suit property, as on today, till the next date fixed.

Issue notice upon the Defendants directing them to show cause by 22.01.2024 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 to comply the provision as laid down under Order 39 Rule 3 (a) & (b) of the C.P.C at once.

To date, i.e. 22.01.2024 for S/R, A/D and appearance.

Dictated & corrected by me,
Sd/-

Judge.

Sd/- S.K. Kar
Judge, Bench-V,
City Civil Court, Calcutta.