

Title Suit No.2143 of 2025

Present: Sri Biswarup Bandyopadhyay (WB01133), Chief Judge.

Order No. 2/dated 19.09.2025:

The record is put up along with an application under Order 39 Rule 1 and 2 read with Section 151 of CPC for temporary and ad interim order of injunction filed by the plaintiff Joy Durga and Co.

The Ld. Counsel appearing for the plaintiff moves the application praying for an ad interim order of injunction on the grounds stated in the application.

Heard the Ld. Counsel appearing for the plaintiff.

Perused the contentions made in the injunction application, plaint and the documents submitted therewith.

The plaintiff has filed the instant suit against the defendants praying for a declaration that plaintiff is a bona fide occupants under the defendants and accordingly is entitled to hold, occupy the suit premises without any objection, obstruction, interference or disturbance by or on behalf of the defendants in any manner whatsoever along with other consequential relief including ad interim order of injunction restraining the defendants and their official men and agents towards illegal dispossession of the plaintiff from the suit premises without due process of law.

It is averred in the plaintiff as well as the injunction application that plaintiff, a proprietorship concerned is a bona fide tenant under defendant no.1 S. Pandey and Company by virtue of an agreement dated 30.10.2015 in respect of the suit premises with effect from November, 2015 on payment of monthly rental of Rs.15,000/- and the plaintiff is in physical possession of the suit premises, in such capacity to run his contractor and supplier business. On perusal of the averments made in the injunction application as well as the plaint it appears that on 29.08.2025, 02.09.2025 and 04.09.2025 some persons who according to the plaintiffs were the persons of defendant no(s).2 to 4 attempted to dispossess the plaintiff illegally through some overt act causing serious disturbance, hindrance, obstruction in peaceful enjoyment of the suit premises. In connection with such alleged illegal act, the plaintiff has lodged a complaint with the competent authority and also filed application under Section 163 of BNSS of 2023 vide M. Case No.289 of 2025 before Ld. Executing Magistrate cum A.C.J.M, at Calcutta.

On perusal of the contentions made in the injunction application, plaint and the documents annexed therewith as well as upon consideration of the submission made by the Ld. Counsel appearing for the plaintiff, this Court is of the view that the plaintiff has made out a prima facie case for grant of ad interim protection of his possession in the suit premises. The balance of convenience is also found to be in favour of the plaintiff and in case an interim order of injunction is refused at this

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Contd.order No. 2/dated 19.09.2025:

stage, the plaintiff will suffer irreparable loss and injury resulting in multiplicity of proceeding.

Accordingly, the prayer for an ad interim order of injunction for protection of possession of the plaintiff in the suit premises stands allowed against defendants.

Hence, it is ordered that the defendants and their men and agents are hereby restrained from dispossessing the plaintiff from the suit premises or interfering with his peaceful possession over the suit premises without any due process of Law till the next date or until further order of this Court. It is made clear that this order will not be applicable in case the plaintiff is dispossessed from the suit premises by virtue of any order passed by any competent Court or authority in accordance with Law.

Issue show cause notice against the defendants as to why the application for temporary injunction shall not be granted in favour of the plaintiff.

The plaintiff shall comply with the provisions under Order XXXIX Rules 3(a) and 3(b) of the Code of Civil Procedure.

A copy of this order counter signed by the Bench Clerk may be handed over to the Ld. Counsel for the plaintiff/petitioner for communication.

Fix 29.10.2025 for S/R, A/D and appearance and hearing of injunction petition.

Dictated & corrected by me,

Chief Judge.

Chief Judge,

City Civil Court, Calcutta