

**Title Suit No. 2693 of 2025**

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

**Order No.01/ Dated 28.11.2025 (Later)**

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 lodged till date.

An application under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C. is moved today by the Ld. Advocate for the plaintiff.

Having heard the Ld. Advocate and on consideration of the plaint, petition under Order XXXIX Rules 1 & 2 read with section 151 of C.P.C and documents annexed thereto it appears that one K. Singh being the sole proprietor of M/s. Auto Sales Corporation was the tenant in respect of flat no. 12 described in the schedule of the plaint at a monthly rent of Rs.1700/- inclusive of tax, maintenance and commercial surcharges payable according to English Calendar month and plaintiff subsequently came to know that said K. Singh died about 10 years back and in terms of Section 2(g) of W.B.P.T. Act the defendant has no right to occupy the suit property and a notice dated 17.09.2024 was issued upon the defendant to vacate the suit property which was sent under Speed Post with acknowledgment due and the defendant duly received the said notice but did not comply with the term and recently it came to the knowledge of the plaintiff that the conduct of the defendant is suspicious and she is eager to change the nature and character of the suit premises by making addition and alteration and in the way of creating a third party interest on the suit property and it is prayed to pass an ad-interim order of temporary injunction in terms of the prayer.

On perusal of the documents annexed with the petition, it appears that Auto Sales Corporation was the tenant in respect of ground floor of the demised premises (running page no.10) and no document has come before this Court to show that said K. Singh was the tenant in respect of the flat no. 12 situated in the second floor of the demised premises and no ad-interim order of temporary injunction can be granted without hearing the adversary and the prayer for ad-interim order of temporary injunction is 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.

Fix 06.03.2026 for S/R, A/D and appearance.

Requisites be issued at once.

D/c by me,

Judge, Bench-V  
City Civil Court, Calcutta

Judge, Bench-V  
City Civil Court, Calcutta