

Title Suit No. 2969 of 2025

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

Order No.02/ Dated 23.12.2025

Record is put up today on the prayer of the plaintiff.

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 plaintiff is a licensee under the defendant in respect of the property described in schedule-A of the plaint and said license was created by agreement dated 30.10.2023 for a period of five years from 01.11.2023 at a license fees of Rs.9000/- and the plaintiff is paying the said license fees regularly and it is alleged that on 17.07.2025 at 10:00AM defendant came to the suit property and asked the plaintiff to enhance the license fees to the tune of Rs.18,0000/- per month from the existing license fees of Rs.9000/- per month and on being refusal of the said proposal by the plaintiff, the defendant started interfering with his peaceful possession and enjoyment of the suit property with a threat of forcible dispossession and he lodged a complaint to the local police station on 19.12.2025 and it is prayed to pass an ad-interim order of temporary injunction in terms of his prayer.

On perusal of the agreement for lease and license dated 30.10.2023, prima facie it appears that the agreement does not contain any clause for escalation of license fees and the agreement is valid for five years due to expire on 31.10.2028 and it further appears that he is paying the license fees regularly which suggests his prima facie possession of the suit property and having regard to the prima facie case made out by the plaintiff, let there be an ad-interim order of temporary injunction directing the parties to maintain 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 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 plaintiff.

Fix 30.01.2026 for S/R, A/D and appearance.

Plaintiff to comply the provisions of Order 39 Rule 3(a) & (b) of the C.P.C.

Requisites be issued at once.

D/c by me,

Judge, Bench-V
City Civil Court, Calcutta

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