

OC. No. 06/2019
Filing No. 13/2019

CNR No. WBDJ090001242019

Order No. 01
18.07/2019

Ld. Counsel for the plaintiff moves the application under order 39 rule 1 and 2 of C.P.C. read with section 151 of C.P.C. along with prayer for ad-interim relief of injunction against defendant no. 1.

seen the office report where from it is apparent that no caveat is pending.

Heard. Perused the plaint, injunction petition, affidavit and the documents appended with the plaint. Considered.

Perusal of the plaint reveals that this a suit for defamation wherein the primary relief sought for is payment of monetary relief to the tune of Rs. 30,00,000/- by way of damages. One of the ingredients to be considered for the grant of an order of ad interim injunction is whether irreparable loss or injury will be caused to the plaintiff if such prayer is refused. In the instant case, the very prayer of the plaintiff prima facie suggests that the loss can be duly compensated by monetary value. As such I am not inclined to pass an order of ad interim at this stage.

The prayer ad interim injunction stands refused at this stage.

Issue notice upon the defendant No. 1 calling upon her to show-cause within 10 days from the date of receipt of notice as to why the prayer for temporary injunction shall not be granted against her as prayed for.

Fix 21/08/2019 for S/R.

Sd/-
Civil Judge, (Sr. Divn),
Kalimpong