

Misc. Appeal No. 05 of 2024

Order No. 02 dated 19.01.2024

Record is put up on the strength of a petition filed on behalf of the appellant for moving the application for ad interim injunction.

Appellant is present before the Court.

The application for injunction is taken up for hearing.

Heard the Ld. Advocate for the appellant.

The Instant Misc. Appeal has been preferred challenging order No.2 dated 11.12.2023 passed by the Ld. Civil Judge(Jr. Divn), 2nd Court, Hooghly at Chinsurah in T.S. 690 of 2023 whereby Ld. Trial Court has refused the prayer for ad interim injunction of the plaintiff.

Perused the impugned order, the injunction petition, documents filed by the plaintiff/appellant and heard the submissions from the Ld. Advocate for the appellant. Having considered the impugned order and the attending facts and circumstances let the appeal be admitted for hearing. Call for LCR.

Issue notice directing the respondents to show cause as to why the prayer for injunction shall not be allowed.

Considering the nature of allegation, the prima-facie case and urgency made out and balance of convenience and inconvenience and since the delay may defeat the equity and any transfer of the disputed property in the meantime may create complications, for ends of justice let there be an order of ad interim order of injunction in the form of status quo to be maintained by the parties in respect of nature, character and possession of the suit property situated on A and C1 schedule till the next date, i.e.**28.02.2024**.

Appellant is directed to comply with the provision U/O 39 Rule 3(a)(b) of CPC.

Urgent requisites at once on both ways.

To date (**28.02.2024**) for S.R., A/D and appearance.

Dict. & Corrected by me

D.J.

District Judge, Hooghly