

Misc. Appeal No. 18/2025
CNR No. WBHW0100 0666 2025
Present: Sri Somesh Prasad Sinha
District Judge In-charge, Howrah.
J.O. Code – WB00720

Order No. 02 dated 28.02.2025.

The record is put up today in view of the order dated 27.02.2025.

On the prayer of the learned Advocate for the appellant, the application under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. is taken up for hearing.

From the office report it appears that there is no caveat till date.

The application under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. has been filed by the appellant with a prayer for temporary injunction restraining the respondents including their men and agents from dispossessing the appellant/plaintiff from the suit property without due process of law and from making any disturbance/interference with the possession and enjoyment of the appellant/plaintiff in the schedule-mentioned property and other reliefs.

The case of the appellant is that he is a tenant in respect of the suit property wherein he runs a business of dumping ground for iron goods and he used to pay rent by cash and respondent no. 1 issued rent receipts to that effect. It is the further case of the appellant that on 28.01.2025, the men of respondents started to disturb the peaceful possession of the appellant in the suit property and they threatened the appellant to vacate the suit property otherwise he will face dire consequences and they also demanded a lump sum amount of Rs. 10,00,000/- from the appellant and on 30.01.2025 the respondents came to the suit property and tried to dispossess the appellant therefrom and on and from 10.02.2025, the respondents/defendants have been threatening the appellant to dispossess him from the suit property and also trying to damage the materials of the appellant lying in the tenanted suit property. It is settled principle of law that nobody can be evicted without due process of law. Thereafter, the appellant filed the Title Suit No. 179 of 2025 praying for permanent injunction along with an application under Order 39 Rules 1 & 2 read with Sec. 151 of the C.P.C. praying for temporary injunction against the respondents/defendants which was rejected by the learned Trial Court.

Being aggrieved by and dissatisfied with the said order dated 10.02.2025, the appellant filed the instant Misc. Appeal along with an

application praying for an order of temporary injunction.

Heard learned Advocate for the appellant. I have perused the injunction application and photocopies of the documents and other materials on record.

Considered.

On consideration of the same, I find that the appellant have filed photocopies of the documents showing the originals like Tenancy Agreement, rent receipts, Trade Licence etc. in support of his contention from which it comes out that he has strong prima facie case.

Under such attending facts and circumstances, I am of the considered opinion that the appellant has been able to make out a prima facie case in his favour and the balance of conveniences and inconveniences and question of irreparable loss and injury weigh in favour of the appellant.

Considering the facts and circumstances of the case and also considering the urgency of the matter, I am of the considered opinion that an order of ad interim injunction in the form of status quo relating to the nature, character and possession may be allowed for a limited period.

Hence, it is,

Ordered

that the application under Order 39 Rule 1 and 2 read with Section 151 of the C.P.C. praying for ad interim order of injunction is allowed in the form of status quo.

Both parties are directed to maintain status quo as to nature, character and possession over the suit property till 21.04.2025.

Issue notice upon the respondents asking them to show cause within fifteen days from the date of receipt thereof as to why the prayer for temporary injunction shall not be granted.

Requisites at once.

The appellant is directed to comply with the provision of Order 39 rule 3 (a) & (b) of the C.P.C. at once.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.