

Misc. Appeal No. 174 of 2025
CNR No. WBHW01 004866 2025

Present: Abhijit Som,
District Judge, Howrah.
J.O. Code - WB01127

Order No. 02 dated 18.09.2025.

The record is put up on prayer.

The application under Order 39 Rules 1 and 2 read with sec. 151 of the C.P.C. is taken up for hearing.

No caveat is filed as per office report.

The present appellant being the plaintiff filed a suit for permanent injunction so that he may not be evicted from the suit property without due course of law. It is the case of the appellant that he was inducted as a tenant in respect of the suit property on the basis of an agreement of tenancy dated 01.12.2022 by the respondent no. 1. However, it is stated that the respondent no. 1 is now demanding higher premium and actually threatening the appellant to vacate the suit property. The appellant is, therefore, under impression that he may be evicted from the suit property without due course of law. However, it is found that the appellant has not stated that he is an authorised occupant of the suit property under respondent no. 2. The respondent no. 2 is the port Authority/ Shyama Prasad Mookherjee Port, Kolkata. So, it is also not clear from the plaint as to the status of the respondent no. 1 in regard to his possession under respondent no. 2. The prayer of the suit is a decree for permanent injunction. In the instant appeal, the temporary injunction is sought for against both respondents including the Port Authority. So, without hearing the Port Authority/the respondent no. 2, no such order of injunction may be passed.

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.

The prayer for ad interim order of injunction is refused.

Requisites at once.

To date.

Dictated & corrected by me.

D. J.

District Judge, Howrah.