

Misc. Appeal No. 61 of 2025
CNR No. WBHW0100 1781 2025

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

Order No. 02 dated 23.04.2025.

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.

It is the case of the appellant/plaintiff that he is the tenant under the respondent for a monthly rental of Rs. 2,500/-. An agreement in between the parties is produced. Rent receipts indicate that the appellant is the tenant under the respondent/defendant. The suit is filed for declaration of tenancy right and permanent injunction. It is the allegation of the appellant that the respondent is threatening the appellant to vacate the property. So, it is prayed that an injunction may be granted to restrain the respondent/defendant from dispossessing the appellant without due course of law. The appellant has a good prima facie case and it is true that he will suffer irreparable loss if he is evicted without due course of law. Hence, an order of injunction may be granted.

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

Considering good prima facie case and the balance of convenience and inconvenience in favour of the appellant, this Court is of the view that an ad interim order of injunction may be granted where irreparable injury is anticipated.

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 ex parte.

Both parties of the instant appeal are directed to maintain status quo in respect of nature, character and possession of the suit property till 22.05.2025.

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.