

Misc. Appeal No. 180 of 2025  
CNR No. WBHW01 004994 2025  
Present: Abhijit Som,  
District Judge, Howrah.  
J.O. Code - WB01127

Order No. 02 dated 24.09.2025.

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.

It is submitted by the learned Advocate on behalf of the appellant that he possesses the suit property as a tenant on payment of rent. At the time of moving the application for temporary injunction, it is stated that an amount of Rs. 3,000/- is paid month by month to the respondent no. 1. It is further submitted that though an agreement of licence is executed by the appellant under compulsion, but in spirit he has been holding the property as a tenant under the respondent. It is further submitted that if the appellant is otherwise evicted without due process of law, he will suffer irreparable loss. No doubt, any defect in the plaint may be amended at a later stage, but if the order of injunction is not granted at this stage, the appellant may suffer irreparable loss. This Court has observed that the appellant paid rent for the flat month by month. So, for the time being, his possession may be protected by an order of injunction.

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.

Considering good prima facie case and the balance of conveniences and inconveniences 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.

Contd...

The respondent no. 1 is hereby restrained from evicting or dispossessing the appellant from the suit property without due course of law till 31.10.2025 (Puja vacation intervenes).

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.