

Misc. Appeal No. 231 of 2025
CNR No. WBHW01 006454 2025

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

Later dated 12.12.2025.

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.

Heard learned Advocate on behalf of the appellant.

It is the case of the appellant that he has been inducted as tenant under the respondent at a rental of Rs. 2,400/- per month payable according to English calendar month. The rent has been enhanced to Rs. 2910/- per month at a subsequent stage of tenancy. However, a case is filed when the appellant being the plaintiff anticipates illegal eviction by the respondent without due process of law. It is further stated in the plaint that the defendant demanded Rs. 80,000/- from the plaintiff and moreover, the landlord demanded higher rate of rent from the present appellant. Accordingly, the suit is filed for declaration and injunction. Having filed the suit, the appellant preferred an application for temporary injunction before the learned Trial Court and sought for an ad interim order. The Trial Court refused to pass an ad interim order. Hence, the appeal is filed under order 43 of C.P.C.

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.

Having gone through the record and heard the submission of the learned Advocate, this Court is of the view that a triable issue has been raised by the plaintiff/appellant in his suit. Considering good prima facie case and the balance of convenience and inconvenience in favour of the appellants, 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.

The respondent is hereby restrained from evicting the appellant from the suit property without due course of law till 09.01.2026.

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.