

**Title Suit 33 of 2024**

**Order No.02 dated 21.03.2024**

Today the record is placed before me by way of put up which is allowed.

Ld. Advocate for the plaintiff moves the petition for an order of ad interim injunction U/O 39 Rule 1 and 2 read with section 151 CPC.

No caveat is pending in this case as per the report of the Sheristadar.

Ld. Advocate for the plaintiff files some documents by firisti. Xerox copies of the documents are with the record.

Now, let us consider whether on the basis of the statement made on affidavit by the plaintiffs and the documents filed by him, an order of ad interim injunction as prayed for can be granted at this stage prior to the issuance of notice upon the defendant against whom the said prayer of ad interim injunction is made.

Heard the Ld. Advocate. Perused the said injunction petition, plaint and documents filed by the plaintiff and considered.

Now, the record is taken up for passing order.

This is a suit for declaration, injunction & eviction of licensee.

**:- Case of the plaintiffs :-**

The case of the plaintiff in a nutshell is that the plaintiff is the owner of the schedule suit property and the defendants are trying to disturbed the peaceful possession of the plaintiff. They are also trying to evict the plaintiff from the suit property. Hence the plaintiff has come before the Court with folded hands for grant of temporary injunction by restraining the defendants from creating the disturbance in the peaceful possession of the plaintiff in respect of the schedule suit property.

**DECISION WITH REASONS**

After considering the situation and the documents, it is found out that the plaintiff is in possession of the schedule suit property. So his possession should be protected at this stage.

At this stage the plaintiff has able to show a good prima facie case in its favour having its merits to go into the trial and the balance of convenience and inconvenience is lying in favour of the plaintiff. If an ad interim order is not passed at this stage, it may cause irreparable loss to the plaintiff and the purpose of granting injunction may be defeated by delay.

Thus, considering the above facts this Court is of the opinion that the ad interim is allowed for the ends of justice.

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Hence, it is

**O R D E R E D**

That the present application U/O 39 Rule 1 and 2 read with section 151 CPC for ad interim injunction be and the same is hereby allowed at this stage.

The defendants are hereby restrained from disturbing the peaceful possession of the plaintiff in respect of the schedule suit property.

So the ad interim is allowed till **19.04.2024**.

Issue notice upon the defendants to call upon them to show cause within 15 days from the receipt of such notice as to why the prayer of the plaintiff for an order of temporary injunction shall not be granted.

Plaintiff is directed to comply with the provisions of Order 39 Rule 3(a) and (b) of C.P.C and furnish to the defendant:

1. a copy of the injunction application;
2. a copy of the affidavit filed in support of the temporary injunction application;
3. a copy of the plaint;
4. copies of documents on which the plaintiff relies and
5. an affidavit stating that the copies stated above have been so delivered or sent.

Strict compliance of the above to be made i.d. The interim order shall be vacated.

Requisites at once.

Original documents were duly returned.

**D/c by me**

**CJ**

**Civil Judge (Jr Divn)  
Amta, Howrah**