

MS 699/2026

Order no 2 dated 20.7.2026

Record is put up today by petition.

Record is taken up for hearing of a petition filed by the Ld Advocate for the plaintiff praying for an order of ad interim injunction. Perused the materials on record.

Heard the Ld. Advocate for the plaintiff.

No caveat is pending as per the note of the Sheristadar.

The contention of the plaintiff is that the plaintiff provided short term financial accommodation/loan to the tune of Rs. 1,75,00,000/- to the defendant, who is a proprietorship concern. Owing to the financial constraints, as represented by the defendant from time to time the plaintiff has extended the period of repayment of the said loan on mutual agreement. The plaintiff has filed demand notice dated 20.3.2026 wherein the plaintiff has called upon the defendant to make payment of remaining Rs.1,75,00,000/-, which has been acknowledged by the defendant but he has disputed the outstanding amount. The defendant has paid Rs.1,25,01,250/- in total till date.

Accordingly, by filing the instant petition, the plaintiff prayed for an interim order of injunction restraining the defendant from alienating or dealing with its assets along with other prayers.

In support of his contention he has relied on 2021 SCC Online Cal 2480 and (2021) 6 SCC 418.

I have gone through the same.

On perusal of the materials on record this Court does not find anything which shows urgency of the plaintiff in filing this petition, or that he will suffer any irreparable injury if the ad interim injunction is not granted in his favour, since he has not filed any documents to show prima facie, in support of his claim, that the defendant is trying to dispose of his properties in order to frustrate the alleged claim of the plaintiff. Therefore, without giving the defendant an opportunity of being heard, I am not inclined to pass an order of ad interim injunction.

Hence, it is,

ORDERED

that the temporary *ad-interim* injunction as prayed for is hereby refused.

Issue notice upon the defendant calling upon him to show cause within 14 days from the date of receipt of the notice as to why the temporary injunction as prayed for shall not be granted against him.

Clerk-in-charge is directed to do the needful.

Requisites at once.

To 05.12.2026 for S/R and A/D

Civil Judge (Sr. Divn.), 2nd Court, Barasat
J.O Code WB01141