

Title Suit No. 102 OF 2022 CIS 102 OF 2022
WBNP18-000129-2022

03-07-2023

Today is fixed for hearing of show cause by the defendant.

Both sides file hazira.

Plaintiff files extension petition. Show cause is hereby accepted.

Now, the record is taken up for hearing of injunction petition filed by the plaintiff U/o-39 Rule – 1 and 2 r.w. Sec. 151 of CPC.

Heard the Ld. Advocate for both sides.

Now, the record is taken up for passing order.

The plaintiff/ petitioner filed a petition u/o.39 rule 1&2 read with section 151 of CPC. By filing this petition, the plaintiff/ petitioner has prayed for issuance of temporary injunction till disposal of this suit.

During the course of hearing, Ld. Advocate on behalf of the plaintiff submits that the injunction should be granted till disposal of the suit.

On the other hand, Ld. Adv for the defendants did not raise any objection.

Considered.

On perusal of the petition, plaint, W.O, other connected documents and after going through the submission made by the Ld. Advocates for both sides, this Court is of the opinion that plaintiff has good prima-facie case. In order to consider a petition for temporary injunction the three essential principles i.e. 1) Prima facie case, 2) balance of convenience and inconvenience and 3) irreparable loss must be taken into consideration. Thus, there is triable issue involved in this suit which justify this court to pass injunction order in favour of the plaintiff. Moreover, if the order of temporary injunction is not granted in favour of the petitioner/plaintiff then it may cause miscarriage of justice and irreparable loss to the plaintiff to that effect. And balance of

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convenience and inconvenience also lies in favour of the plaintiff.
So, this Court is inclined to allow the petition of temporary injunction in favour of the plaintiff.

Hence, it is

ORDERED

that all the parties to the suit are hereby directed to maintain status quo in respect of nature, character and possession of the suit property till disposal of this suit.

That the petition U/o-39 Rule-1 and 2 of CPC is allowed on contest and disposed of accordingly.

Fix 12-09-2023 for framing of issue. Discovery, inspection, if any, in the mean time.

D/c by me

CJ (Jr. Divn.)
(JO CODE WB 01423)
Bidhannagar

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