

Later dated 15.04.2024

No caveat is pending as per report of the Sheristadar.
Record is taken up for hearing of ad-interim injunction petition.
This is a suit for declaration and permanent injunction.

The factual matrix of plaintiff's case is that plaintiff with an intention to open a proprietorship firm took some money as loan from the defendant for his food business. Defendant at that relevant time financially provided interest free loan with a condition that plaintiff would return back the loan money within 05 years. With the success proprietorship firm plaintiff again took interest free loan from defendant. Plaintiff further avers that the defendant transfer total sum of Rs. 1,13,56,101/-, out of which Rs. 72,38,602.80/- has been repaid by the plaintiff to the defendant. As per the averment of the plaintiff since, September 2023, the relationship between plaintiff and defendant has become strained and recently on 19/01/2024 defendant entered into the place of work of plaintiff and placed her QR Code as pasted on the bill folder by removing the QR code of the plaintiff / proprietorship firm. Further, defendant tried to revoke the license agreement of the plaintiff by offering Rs. 15,00,000/- to the management of plaintiff's business partner. Plaintiff has lodged a written complaint with the local police station. Finally on 12.04.2024 defendant along with his men and agents threatened plaintiff and his staffs with dire consequence if plaintiff do not hand over plaintiff's business to the defendant within next 30 days. By moving this ad interim injunction plaintiff prays for restraining the defendant from intervening plaintiff's day to day business.

To support the case, the plaintiff filed following documents, photocopy of lease agreement dated 14/05/2021, trade license, food license, GST certificate, bank statement for transfer of rent, bank statement, electricity bill, money receipt, money receipt for restaurant development and set up, money receipt of Rs. 5,00,000/-, repaying statement, written complaint to Bidhannagar North, letter of appointment, aadhaar card, franchise agreement for perusal.

Perused the plaint, injunction application and documents filed by the plaintiff.
Considered.

On careful perusal, it appears that plaintiff is in possession of the suit property and is presently running a business over there. Plaintiff's interest is in question before this Court. Urgency is reflected from the application of injunction. Presently there is a bona fide case fit to go for trial. The balance of convenience at the nascent stage is lying in favour of plaintiff. If this ad interim injunction is not granted in favour of the plaintiff then plaintiff might suffer an irreparable loss which cannot be compensated in terms of monetary benefit. Therefore, it shall cause greater inconvenience to the plaintiff than to the defendant. Thus, the prayer of ad interim injunction of plaintiff is allowed at this stage.

Hence, it is,

O R D E R E D

that the prayer for ad interim relief is hereby considered and allowed at this ad interim stage.

The defendant and her men and agent are hereby restrained from intervening into plaintiff's business at plaintiff's work place / office till next date.

The plaintiff is directed to comply the provisions of order 39 Rule 3(a) and (b) CPC positively, in default whereof the order shall stand vacated automatically.

Issue notice upon the defendant to show cause within 20 days from the date of receipt of this order as to why the order of temporary injunction shall not be granted as per the prayer of the plaintiff.

The plaintiff is directed to put in requisite at once.

Office is directed to issue the same.

To date (24/06/2024).

Civil Judge (Jr. Divin)