

T.S. No. 165 OF 2020 C.I.S 165 of 2020

08-10-2020

The case record is taken up for for hearing application u/o.39 rule 1&2 read with section 151 of CPC filed by the plaintiff.

Heard. Perused the plaint, affidavit, said application and copies of documents filed by the plaintiff.

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

By filing the instant petition the plaintiff prays for eviction of licensee, recovery of khas possession and permanent injunction against the defendant.

Considered.

Issue notice calling upon the defendant to show cause within 15 days from the date of receipt thereof as to why an order of temporary injunction shall not be granted against him.

Heard Ld. Advocate for the plaintiff.

Perused the plaint, petition and other connected documents on record this court is of view that the plaintiff has been able to establish the prima facie case and proved urgency at this stage. It also appears that the plaintiff is in possession of the suit property and his possession should not be disturbed. If an order of injunction on ad-interim basis is not granted in favour of the plaintiff, plaintiff will suffer irreparable loss. Considering urgency in the matter this court is inclined to allow the temporary injunction on ad-interim basis.

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Hence it is

ORDERED,

that the temporary injunction petition filed by the plaintiff is allowed on ad-interim basis. The defendant is hereby restrained from disturbing the peaceful possession of the plaintiff and also restrained from ousting the plaintiff from the suit property whatsoever till 25.11.2020 considering ensuing Puja Vacation.

plaintiff is hereby directed to comply with the provision u/o.39 rule 3(a) and 3(b) of CPC at once.

To date.

D/c by me

CJ (Jr. Divn.)
Bidhannagar

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