

T.S. No. 163 OF 2023 C.I.S 163 OF 2023
CNR WBNP18-000225-2023

20.05.2023

The case record is taken up for hearing of 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 declaration and permanent injunction against the defendant.

Issue notice calling upon the defendant to show cause within 20 days from the date of receipt thereof as to why an order of temporary injunction shall not be granted against her.

Heard Ld. Advocate for the plaintiff.

Considered.

Perused the plaint, petition and other connected documents produced before this court, 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 plaintiff is in possession of the suit property. 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.

Hence, it is

ORDERED

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that the temporary injunction petition filed by the plaintiff is allowed on ad-interim basis. The defendant is hereby restrained from evicting the plaintiff from the suit property without due process of law and also restrained from creating any disturbance in peaceful possession of the plaintiff in the suit property whatsoever till 19.06.2023.

Plaintiff is hereby directed to comply with the provision u/o.39 rule 3(a) and 3(b) of CPC at once in default ad-interim order will stand vacated automatically.

To date.

D/c by me

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

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