

T.S. No. 222 OF 2020 C.I.S 222 of 2020

21-10-2020

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 declaration, permanent and mandatory 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 her.

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. 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

O R D E R E D,

that the temporary injunction petition filed by the plaintiff is

T.S. No. 222 OF 2020 C.I.S 222 of 2020

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allowed on ad-interim basis. The defendant is hereby restrained from occupy the roof of B & C schedule property and also restrained from installation of any kind of illegal work upon the B & C schedule property whatsoever till 20.11.2020 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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