

T.S. No. 245 OF 2020 C.I.S 245 of 2020

04-12-2020

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 and permanent injunction against the defendants.

Considered.

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 them.

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

ORDERED,

that the temporary injunction petition filed by the plaintiff is

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allowed on ad-interim basis. The defendants are hereby restrained from change the nature and character of the suit property and also restrained from catching fishes in the suit property (B-schedule property) whatsoever till 04.01.2021.

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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