

T.S. No. 248 OF 2021 C.I.S. 248 of 2021

13-09-2021

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 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 him.

Heard Ld. Advocate for the plaintiff.

Plaintiff's case in nutshell is that the plaintiff is the owner of the suit property. Presently defendant is trying to make illegal construction upon the suit property.

Considered.

Perused the plaint, petition and other connected documents (i.e. Certified Copy of Deeds, GDE etc) 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. 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

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injunction on ad-interim basis.

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 making illegal construction and selling out Schedule-B property whatsoever till 08.10.2021.

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.)
(JO CODE WB 01423)
Bidhannagar

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