

The Court of the Civil Judge (Jr. Divn.), Bidhannagar
Present: Dhrubajyoti Bhattacharyya, Civil Judge (Jr. Divn.), Bidhannagar
J.O.CODE WB 1177

Title Suit No. 281 of 2023
C.I.S.No. 281 of 2023

Order No. 2 dt.16.08.2023.

The record is taken up for hearing of application preferred in terms of Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908. Issue notice calling upon the defendants to show cause within 20 days from the receipt thereof as to why the order of temporary injunction shall not be granted against them. As per the office report caveat has not been filed with respect to the claim. This court has heard the submissions made by Ld. Counsel appearing for the plaintiff. The crux of the plaintiff's case is that he is in possession of the suit property as a tenant under landlady Shantimayee Barua, since deceased. The plaintiff had been paying rent to the aforesaid landlady till May, 2023. After the death of the said landlady her legal heirs (the defendants) have refused to receive the rent. The defendants are presently intending to surrender the electric meter which stands in the name of Sujoy Barua from which the plaintiff had been drawing and using electricity. The defendants had been disturbing the peaceful possession of the plaintiff and on 13.08.23 they had attempted to forcibly dispossess the plaintiff. The plaintiff has prayed for ad interim order of injunction against the defendants restraining them from dispossessing the plaintiff from the suit property and from surrendering the electric meter installed in the name of Sujoy Barua and from causing obstruction in the way of getting water supply for 24 hrs from the overhead tank. This Court has heard the submissions of Ld. Counsel for the plaintiff who has produced seven rent receipts, two computer generated electricity bill for the month of June, 2023 and July, 2023, a photocopy of rent agreement entered on 29.07.07, the EPIC and adhaar card of the plaintiff and some medical documents.

Perused the record in the light of the documents furnished.

It is apparent that the plaintiff is presently in possession of the suit property as a tenant. The said right of possession cannot be disturbed without due process of law. This Court is inclined to deliver an ad interim order of injunction restraining the defendants from dispossessing the plaintiff without due process of law. So far as other prayers are concerned this Court is intending to give opportunity to the defendants before determination on the said prayers.

Hence, it is

ORDERED

that the prayer for ad-interim order of injunction U/o-XXXIX Rule 1 and 2 of CPC be and the same is granted in part. The defendants are hereby restrained from dispossessing the plaintiff from his possession of the suit property otherwise than in due course of law. This order shall be effective till 05.09.2023. Plaintiff is hereby directed to comply with the provisions of Order XXXIX Rules 3(a) and 3(b) of the C.P.C at once in default whereof the order shall stand vacated automatically. Issue notice calling upon the defendants to show cause within 20 days from the receipt thereof as to why the order of temporary injunction shall not be granted against them. DA is hereby directed to update the case in CIS accordingly.

Fix 05.09.2023 for S.R and appearance.

Civil Judge (Jr. Divn.)

Bidhannagar

