

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

Title Suit No. 311 of 2023
C.I.S.No. 311 of 2023

Order No.2 dt.08.09.2023.

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 defendant to show cause within 20 days from the receipt thereof as to why the order of temporary injunction shall not be granted against him. 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 the plaintiff is the tenant in a portion of the property whereof the defendant is the landlord. It has been specifically mentioned that the part of the property which is in possession of the plaintiff is a flat at the ground floor measuring about 550 sq ft at plot no. O-379, Sukantanagar, Sector-IV, Salt lake, P.S. BSN(S), Kol-98. On 1.9.23 the defendant with the help of some miscreants had tried to cause the dispossession of the plaintiff.

This Court had heard the Ld. Counsel for the plaintiff who has produced adhaar card of the plaintiff, a meter card without any signature of any authority, electricity bill and a copy of complaint to the O.C of BDN(S) P.S, domestic consumer card issued in favour of the plaintiff and a notarized agreement dt. 16.09.21 between the defendant and the plaintiff granting her tenancy over the suit property.

It is apparent from the pleadings of the plaintiff and the documents so furnished that the plaintiff is a tenant in occupation of a specific portion of the property of which the defendant is a landlord. The plaintiff has right of peaceful possession and not to be dispossessed without due process of law. This Court finds it expedient to grant a status quo in favour of the plaintiff. The balance of convenience suggests that the plaintiff should be accorded with the said preventive relief in form of an ad interim order.

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 parties are hereby directed to maintain status quo with respect to the plaintiff's possession of the flat at the ground floor measuring about 550 sq ft at plot no. O-379, Sukantanagar, Sector-IV, Salt lake, P.S. BSN(S), Kol-98. This order shall be effective till 29.09.2023. 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 defendant to show cause within 20 days from the receipt thereof as to why the order of temporary injunction shall not be granted against him.

DA is hereby directed to update the case in CIS accordingly.

Fix 29.09.2023 for S.R and appearance.

Civil Judge (Jr. Divn.)
Bidhannagar