

Title Suit No. 311 OF 19 CIS 328 OF 19

20-12-2019

The case record is taken up for hearing an 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.

The plaintiff's case in a nutshell is that plaintiff is the owner or proprietor of M/s. Pappu Chaiwala and residing and carrying business in premises No. 7, DB-Block, Sector-I, Kol-64 measuring about 240 sq.ft. Petitioner further stated that she entered into leave and license agreement with the defendant and as per the terms of the said agreement she has been paying a sum of Rs.34,500/- monthly to the defendant. Plaintiff further stated that defendant threatening the plaintiff and tried to create third party interest in the suit property. Plaintiff also lodge a complaint before the North Bidhannagar PS regarding the said fact. Hence, the instant suit for declaration and permanent injunction U/o-39 Rule-1 and 2.

Considered. Issue notice 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 on behalf of the plaintiff.

In support of her claim, plaintiff has filed the xerox copy of leave and license agreement, original electricity bill, xerox copy of rent receipts and other connected documents on record. On perusal of such documents, it appears that the plaintiff is the possession of the suit property and she has also strong prima case to go into the trial and the balance of convenience and inconvenience also lies in favour of the plaintiff. If the an order of injunction on ad-interim basis is not granted in favour of the plaintiff, plaintiff will

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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 allowed on ad-interim basis. The defendant is hereby restrained from making any third party interest in respect of suit property whatsoever till 18.01.2020.

Plaintiff is hereby directed to comply with the provision u/o.39 rule 3(a) and 3(b) of CPC.

To date.

D/c by me

CJ (Jr. Divn.)  
Bidhannagar

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