

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. 336 of 2023
C.I.S.No. 336 of 2023
WBNP18-000449-2023

Order No. 03 dt. 27.09.2023.

The application preferred in terms of Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 is taken up for consideration on being proposed by Ld. Counsel of the plaintiff. 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. The crux of the plaintiff's case is that the plaintiff is a private limited company that has entered into an agreement of lease and license with the defendant and had been conducting business from the said premises for which it has been granted with permanent certificate of enlistment by the Bidhannagar Municipal Corporation. The defendant is intending to dispossess the plaintiff forcibly from the suit property. Plaintiff has prayed for injunction restraining the defendants from ousting the plaintiff from the suit property without due process of law.

This Court had heard the Ld. Counsel for the plaintiff who has produced inter alia a notarized leave and license agreement in the para 19 whereof it is apparent that the defendant has intended to put the plaintiff in possession of the property for 33 months with effect from 01.08.2022, the computer generated permanent certificate of enlistment issued in favour of the plaintiff.

On perusal of the record in the light of the documents produced this Court finds that that the plaintiff is in possession of the suit property and is entitled to possessory rights arising therefrom. Therefore, this court finds there is a prima facie case in favour of the plaintiff and the defendant should be restrained from dispossessing the plaintiff from the property mentioned in schedule of the plaint.

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. The defendant is hereby restrained from causing dispossession of the plaintiff from the property mentioned in the schedule of the plaint. This order shall be effective till 17.10.2023. The 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 17.10.2023 for S.R and appearance.

Civil Judge (Jr. Divn.)
Bidhannagar