

Later dated 23/12/2024

Record is taken up for hearing of ad interim injunction.
No caveat is pending as per report of the sheristadar.
This is a suit for permanent injunction.

The factual matrix of plaintiff's case is that plaintiff is the tenant with respect to one shop room mentioned in the schedule to the injunction application. Plaintiff avers that he used to tender rent to Mr. Suraj Prasad Shaw and after his demise to his wife Smt. Urmila Devi Shaw. From the averment of plaintiff it transpires after refusal by Smt. Urmila Devi Shaw to accept rent, the rent was paid before the Ld. Rent Controller, Barrackpore. Plaintiff further submits that on 08/12/2024 defendants claimed to have become the owners of the said suit shop room by way of inheritance and forced plaintiff to vacate the suit shop room. The same incident of threat was carried on 11/12/2024. By filing this temporary injunction application and moving this ad-interim injunction plaintiff prays for restraining the defendants and their men and agents from causing any disturbance in peaceful possession of plaintiff in respect to the suit property.

To support the suit, the plaintiff filed the following documents, copy of rent bills issued by Suraj Kumar Shaw, copy of trade license issued by South Dum Dum Municipality, copy of rent bills issued by Urmila Devi Shaw, copy of rent controller challan, copy of GDE, copy of MP Case No. 1950/2024 and copy of bill of CESC for perusal of this Court.

Perused the plaint, injunction application and documents filed by the plaintiff. Considered.

On perusal of the documents it transpires that plaintiff is in possession of the said suit shop room as mentioned in the schedule to the injunction application. There is a valid and enforceable trade license in the name of plaintiff operational till 23rd July 2025. It is trite to mention here that no one shall be dispossessed without due process of law. Thus, plaintiff has proved prima facie case fit to go for trial. Apparently, there is a triable issue. Presently urgency is reflected. At this stage, balance of convenience and inconvenience is tilting towards plaintiffs. If this ad interim injunction is not granted in favour of the plaintiff then plaintiff shall suffer irreparable loss which cannot be compensated in terms of monetary benefit. Thus, the prayer of ad interim injunction of plaintiff is allowed at this stage.

Hence, it is,

O R D E R E D

that the prayer for ad interim relief is hereby considered and allowed at this stage.

Defendants and their men and agents are restrained from dispossessing plaintiff without due process of law till next date.

The plaintiff is directed to comply the provisions of order 39 Rule 3(a) and (b) CPC positively.

Issue notice upon the defendants to show cause within 20 days from the date of receipt of this order as to why the order of temporary injunction shall not be granted as per the prayer of the plaintiffs.

The plaintiff is directed to put in requisite at once.

Office is directed to issue the same.

To date (18/03/2025)

Civil Judge (Jr. Divin)
Bidhannagar
J.O. Code : WB 01536