

Title suit 269 of 2020**Order dated:17.06.2026**

Today is fixed for hearing of of the injunction petition filed by the plaintiff on 27.02.2020.

Parties are duly represented.

Now, in presence of both side the the record is now taken up for hearing petition u/o 39 Rule 1 and 2 CPC filed by the plaintiff.

Heard. Perused. Considered.

This is a suit for declaration and mandatory injunction.

The main contention of the plaintiff is that the plaintiff is tenant under the defendant no. 2 and the defendant no. 1 is the society of the owners of the apartment in which the tenanted premises is located there is no supply of water in the tenanted premises since May 2018 and it has been causing great hardship to the plaintiff. The plaintiff had requested KMC to resume the supply of the water and even filed writ petition before Hon'ble High Court, Calcutta over the aforesaid matter. Under the circumstances the plaintiff filed the instant suit along with the prayer with the temporary injunction and this Court is pleased to pass the ad-interim injunction order directing the defendant no 1 to reconnect the supply of water. But till now there is no supply of water in the tenanted premises. Hence, the plaintiff prayed for making the ad-interim injunction order no.2 dated 28.02.2020 absolute.

The Ld. Advocate for the defendant no.1 raised objection against the prayer of the plaintiff and submitted that the plaintiff had filed writ petition before Hon'ble High Court, Calcutta and the water supply has been provided in the suit property and the very purpose of the temporary injunction application has been served and thus, prayed for rejecting the temporary injunction order of the plaintiff.

Heard. Perused. Considered.

After perusal of the case record and the order no.2 dated 28.02.2020, it appears that if the ad-interim injunction is not allowed to continue especially when the issue relates to supply of water which is basic necessity of life it may cause injustice to the plaintiff.

In the above premises it appears that prima facie case exists in favour of the plaintiff and the balance of convenience and inconvenience tilts in his favour and the plaintiff will suffer irreparable loss and injury if temporary injunction is not allowed in his favour.

Considering the aforesaid situation, this Court inclines to allow the temporary injunction application of the plaintiff in the following form.

Hence, it is,

ORDERED,

that the petition u/o 39 Rule 1 and 2 CPC r/w Section 151 CPC filed by the plaintiff on 27.02.2020 is allowed on merits but without any order as to cost.

the defendant no.1 *is directed to reconnect the supply of water in the tenanted suit premises and further directed to not disconnect the connection of the water in the tenanted suit premises till the disposal of the instant suit.*

Accordingly, the injunction application filed under Order 39 Rules 1 & 2 read with Section 151 of CPC, dated 27.02.2020 stands disposed of.

To 18.08.2026 for framing of issues.

Dictated and corrected by me,

**Civil Judge (Jr. Divn)
3rd Addl. Court, Alipore
J.O. Code WB01569**

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