

EJECTMENT SUIT NO. 178 OF 2015  
C. N. R. NO. WBPS01-000019 - 2015  
Before Sri Sridhar Chandra Su, Ld. Judge, 5<sup>th</sup> Bench.

ORDER NO. 50 DATED 29.11.2022

Today is fixed for hearing of the petition under Sec.151 of C.P.C. filed by the defendants on 23.12.2020.

Both parties have filed their respective haziras.

Defendant no.2 has also filed xerox copy of complaint letter dated 12.01.2021 with firisti. Let it be kept with the record.

Ld. Advocates for both sides are present.

The record is taken up for hearing the petition filed by the defendant.

Ld. Advocate for the defendants, through the instant petition, has submitted that the plaintiff has started illegal unauthorized construction work over the suit property without any information or permission from the defendants. The plaintiff has damaged the suit property and also damaged the defendants' tenanted property. Plaintiff, by way of this work, has tried to occupy the defendants' tenanted portion. Defendants have made several requests upon the plaintiff but the plaintiff did not pay any heed. Moreover, plaintiff has used filthy languages and threatened that the plaintiff will take the possession of the defendants' tenanted portion. Accordingly, defendants prayed for an injunction against the plaintiff.

On the other hand, ld. Advocate for the plaintiff denied all such allegations and submitted that the plaintiff never constructed over the suit premises. It will be evident and clear at the time of evidence. He has further submitted that the defendants lodged one complaint before the various authorities but such types of complaints are false and fabricated.

Considering the submissions of ld. Advocates for both sides along with materials on record, it appears that balance of convenience and inconvenience is in favour of the defendants. If no restrain order is passed, defendants will be prejudiced.

In view of above, it is better to maintain status quo by both parties over the suit premises as on this day till the disposal of this suit.

Hence, it is Ordered that the petition under Sec.151 of C.P.C. filed by the defenants is disposed of on contest.

Both parties are directed to maintain status quo in respect of the nature and character of the suit premises as on this day till the disposal of the suit.

Fix 22.02.2023 for framing of Issues.

Dictated and corrected by me,

JUDGE

JUDGE  
[5TH BENCH]  
J.O. Code No. WB-00-620.