

In the Court of District Judge, South 24-Parganas

Misc. Case No. 113 of 2024

CNR-WBSP01-002910-2024

Present : Sri Rajesh Tamang (WB00757) District Judge-in-charge,

South 24 Parganas at Alipore

Alolika Pal

...Petitioner

Vs.

Vasanth Saridey

... Respondent

Order No. 01, dated 29.02.2024

This is an application under section 47 of C.P.C wherein the petitioner has prayed for an order for execution of decree passed on 01.06.2023 in Mat Suit No. 3510 of 2022 and other prayers as stated therein.

Registered as a Misc. Case.

Court fees paid is correct.

Requisites put in. Process fee is paid.

Issue requisites at once.

At this stage, Ld. Advocate for the petitioner has filed an application under Order 39 Rule 1 and 2 of C.P.C and the same is taken up for hearing.

It appears from the record that no caveat has been filed.

Ld. Advocate for the petitioner submits that the petitioner and the respondent were wife and husband and their marriage was registered on 12.03.2014 as per Special Marriage Act and from such wedlock, a female child was born on 25.11.2015. Subsequently, marital discord cropped up between the parties and the parties decided to get divorce on mutual consent and signed a Memorandum of Understanding and it was stated in the said Memorandum of Understanding that the respondent shall act as per the terms and conditions of the said Memorandum. Ld. Advocate for the petitioner further contends that the respondent is now trying to disobey the

terms and conditions of the said Memorandum and is threatening the petitioner to vacate the flat where the petitioner and the minor is residing. Ld. Advocate further contends that the petitioner is not abiding with the terms and conditions of the Memorandum of Understanding as agreed between the parties. As such, the petitioner prays for an order of ad-interim injunction.

Heard the submissions of Ld. Advocate for the petitioner.

Perused the materials on record.

Considering the submission of the Ld. Advocate for the petitioner and taking into account the materials annexed herewith, it appears that the petitioner has been able to prove a prima facie case and the balance and convenience and inconvenience is also in favour of the petitioner.

Hence,

it is,

ORDERED

that the prayer for an order of ad-interim injunction is allowed in favour of the petitioner till **28.03.2024**.

The respondent is, hereby, restrained from dispossessing the petitioner and her minor daughter from the house where they are residing as mentioned in schedule "A" of the instant application without due process of law till **28.03.2024**.

The petitioner is directed to comply with the provisions as enumerated under Order 39 Rule 3(a) and (b) of the C.P.C.

Fix **28.03.2024** for S/R and A/D.

Dictated & corrected by me,

Sd/- Sri Rajesh Tamang

District Judge, I/c

Sd/- Sri Rajesh Tamang

District Judge, I/c