

Present:Sri Subhasish Ghosh, District Judge In-charge at Alipore

Misc. Appeal No.62 of 2020.

Sri Sanjoy GhoshAppellant

vs

Jharna Bera and Others.....Respondents

Order No.02, dated 05/03/2020.

The record is put up today on the prayer of the appellant and appeal is admitted after hearing the Ld. Advocate for the appellant.

The petition under Order 39 rule 1 and 2 of the C.P.C. which is supported by an affidavit is moved today by the Ld. Advocate for the appellant.

Considered.

Issue notice upon the respondents directing them to show cause by 02/04/2020 as to why an order of temporary injunction shall not be recorded against them in terms of the prayer so made by the appellant.

It is submitted by the Ld. Advocate for the appellant, that, appellant is a tenant in respect of the suit premises and the respondents are trying to evict him forcibly without any due process of law.

Considering entire facts and circumstances so placed before me today by the Ld. Advocate for the appellant, I am of opinion that an ad interim injunction in the form of status quo should be passed right now otherwise the very purpose of filing of this appeal will be infructuous and the same will tantamounts to negation of justice. I have come to a conclusion that the appellant has been able to make out a prima facie case in order to get the ad interim injunction as prayed for. Balance of convenience and inconveniences are in favour of the appellant. That apart, I find urgency in the matter.

Hence, it is

Ordered

That the appellant's prayer for ad interim injunction is hereby considered and allowed.

That all the respondents are hereby directed to maintain status quo over the suit property as mentioned in the injunction application as on this day in all respects till 02/04/2020.

This injunction order will have no bearing upon any decree passed against the appellant in respect of the suit premises.

Requisite be filed at once.

Appellant to comply with the provision as laid down under Order 39 Rule 3(a) and 3(b) of the C.P.C. at once.

D/C by me

Sd/- Subhasish Ghosh

District Judge (I/C)

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District Judge (I/C)