

In the Court of District Judge, South 24-Parganas

Misc. Appeal No. 331 of 2023 (R-331 of 2023)

Present : Sri Abhijit Som (WB01127) District Judge,

South 24 Parganas at Alipore

Sri Dipen Sengupta

... Appellant

Vs.

Kailash Chandra Dujari @ Kailash Chand Dujari & Anr.

... Respondents

Order No. 02, dated 21.09.2023

The record is put up on prayer.

Appeal is filed with the period of Limitation. As such, the appeal is admitted.

Heard the Ld. Advocate on behalf of the appellant.

Perused the order impugned.

Ld. Advocate on behalf of the appellant moves the application for granting an ad-interim order of injunction.

Issue notice upon the respondents asking them to show cause within fifteen days as to why the prayer for an order of temporary injunction shall not be allowed in favour of the appellant.

Perused the documents filed along with the appeal.

It is the case of the appellant that he is a tenant under the Shebait of the Debattor property as mentioned as the suit property. There was a Tenancy Agreement in between the appellant and one Geeta Dutta, who was the shebait of the Debattor property as per case of the appellant. It is his further case that the respondents allegedly purchased the property and is trying to dispossess the appellant from the tenanted property. The appellant has a shop under the name and style of Swami Santa Das Herbal Research Centre in the suit property. The appellant apprehends dispossession without lawful course by the respondents. However, it appears that the landlord has not been made a party in this case, although the suit is filed for declaration of tenancy right. It is submitted that Letter of Attornment has not been given to the appellant from the side of the respondents. At this stage, this Court finds it not prudent to pass an ad-interim

order of injunction without hearing the other side, since this is not a case where object of granting injunction would be defeated by delay.

In view of the above, the prayer for an order of ad-interim injunction is refused.

Requisites at once.

To date for S/R and A/D.

Dictated & corrected by me

Sd/- Sri Abhijit Som
District Judge

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