

**T. S. No. 142 of 2022**  
**CNR : WBSP170005872022**  
**(UID-WB00962)**

**Order no. 02 dated 21-07-2022**

Record is placed before me by way of put-up petition.

Ld. Advocate for the plaintiff filed and moved the injunction application.

No caveat is pending as per report of the Sherestadar.

Heard the Ld. Lawyer for the plaintiff.

Seen the note of Sherestadar from which it appears that no caveat is pending.

Perused the plaint and the application for injunction.

Considered.

This is a suit for declaration of cancellation of agreement dated 07.09.2018, injunction, accounts, equal property and other consequential reliefs.

In the instant case the plaintiff has seek for cancellation of unregistered partnership deed dated 07.09.2018 executed by and between the plaintiff and the defendant, accounts and distribution of the profits in equal shares. Before going to the merit of the case, it is pertinent to mention here that in order to grant the injunction three principles have to be keep in mind i.e. prima facie case, balance of convenience and inconvenience and irreparable loss and injury. It appears from the averment made in the plaint that the main relief of the plaintiff is account and the distribution of the profit in equal shares which is alleged to have been denied by the defendant. It is a settled principle of law that when the damages can be compensated in terms of money, injunction cannot be granted. In the instant case, I find that the plaintiff would not suffer any irreparable loss or injury if an order of ad interim injunction is not granted to him at this stage. Moreover, the nature of relief, sought for, by the plaintiff is such that can be compensated in terms of money. Accordingly, I am not inclined to pass any order of ad-interim injunction against the defendant at this stage without hearing the other side.

Accordingly, it is,

**Ordered**

that the prayer for ad interim injunction is refused at this stage.

Issue notice upon the defendant calling him to show cause within 15 days from the date of receipt of notice as to why the plaintiff's prayer for temporary injunction shall not be granted against him.

I am of further view that at this stage there is no requirement of allowing the petition under Order 39 rule 7 of the CPC. Accordingly, let the same be kept with the record.

To date.

D/C

Sd/-

Sd/-

ACJM-cum-CJSD, Kakdwip

ACJM-cum-CJSD, Kakdwip

T. S. No. 142 of 2022  
CNR : WBSP170005872022  
(UID-WB00962)

**Later: Order No. 02 dated 21-07-2022**

The learned advocate files a petition for withdrawal of the original documents filed by the plaintiff.

Heard Ld. Advocate for the plaintiff. Perused the petition and other materials on record.

It appears that the petition is duly verified. Accordingly, the petition is allowed.

Let the documents filed by the plaintiff be returned through his learned lawyer on proper receipt and identification on condition to refile the same as and when called for.

The petition is thus disposed of accordingly.

D/C

Sd/-

ACJM-cum-CJSD, Kakdwip

Sd/-

ACJM-cum-CJSD, Kakdwip