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Title Suit No. 1780 of 2026

**Present: Smt. Sutanuka Nag, Judge, Bench-XIII, City Civil Court, Calcutta
(J.O. Code: WB01248)**

Order 02//Dated-17.08.2026

Ld. Advocate on behalf of the Plaintiff files an application under Order 39 Rules 1 & 2 read with Section 151 of the C.P.C praying for an order of temporary injunction together with an ad-interim order of injunction restraining the Defendants and their men, agents and officers from transferring and/or alienating and/ or parting with the possession of the schedule B property in favour of third party.

From the office report, it appears that there is no caveat.

It is submitted by the Ld. Advocate for the Plaintiff that by virtue of letter dt 10.03.1977 issued by Emelia D'Silva, Augustine D'Silva, Michael D'Silva, George D'Silva and Peter D Silva addressed to (a) Biswanath Jajodia, since deceased, (b) Shankar Lal Jajodia since deceased, (c) plaintiff no 1, (d) Mahesh Kant Jajodia and (e) Uma Kant Jajodia since deceased, said D'Silvas had let out a big hall measuring carpet area of 6813 sqft located in the ground floor of premises no 12 Ganesh Chandra Avenue, Kol - 13, described in Schedule A. In accordance to the letter dt 10.03.1977, the D'Silvas had let out the said Schedule A property in favour of the Jajodias at a monthly tenancy of Rs. 2000/-.

The Ld. Advocate further submitted that the security deposit of Rs. 2000/- was paid by Jajodias in terms of letter dt 10.03.1977 and same was acknowledged by 'D'Silva Leased Property' by issuing receipt dt 10.03.1977. The plaintiff no 1 along with his other brothers namely (a) Biswanath Jajodia, since deceased, (b) Shankar Lal Jajodia, (c) Mahesh Kant Jajodia and (d) Uma Kant Jajodia since deceased were put in possession of the said schedule A property as joint tenants. The said Jajodias including plaintiff no 1 continued to make payment of monthly rent since April 1977 in respect of the A schedule property to D'Silvas and rent receipts were issued by D'Silvas under the name and style 'D'Silva Leased Property'.

It is also submitted further that tenancy interest of Shankar Lal Jajodia, since deceased on 29.11.2024 in said schedule A property is being represented by his son Dipak Jajodia, plaintiff no 2. The plaintiff no 1 along with his brothers (a) Shankar Lal Jajodia, (b) Mahesh Kant Jajodia and (c) Uma Kant Jajodia since deceased had inducted defendant no 1 as their monthly tenant from 01.05.1988 in respect of godowns measuring 3160 sqft of the suit premises no 12 Ganesh Chandra Avenue, Kol - 13 described in schedule B at a monthly rent of Rs. 14551/-. The defendants has lastly made payment of monthly rent for the month of March 2023 on 12.12.2024.

It is also submitted that the defendant no 1 by issuing letter dtd 13.10.2015 addressed to plaintiff no 1 and his brothers (a) Shankar Lal Jajodia, (b) Mahesh Kant Jajodia and (c) Uma Kant Jajodia since deceased had suo moto illegally and wrongly adjusted a sum of Rs. 36600/- from monthly rent which was allegedly spent by defendant no 1 on account of electrical and other repairs at premises no 12 Ganesh Chandra Avenue, Kol - 13. The plaintiffs have issued rent bills to the defendant no 1

seeking payment of monthly rent in respect to said godown and office room for the months of April 2023 till July 2026 but such monthly rent has not yet been paid by defendant no 1.

It is further submitted that plaintiffs in course of their visit to Schedule B property on 13.08.2026 came to know that the defendants representing themselves as owners of schedule B property, are actively negotiating with third parties for transferring and/or alienating and/ or sub-letting and / or handing over the possession of the schedule B property in favour of unknown third parties.

It is further submitted that on 13.08.26, the Plaintiffs approached the OC, Bowbazar police with written complaint against the Defendants for seeking emergent legal steps to stop the defendants from transferring and/or alienating and/ or sub-letting and / or handing over the possession of the schedule B property in favour of unknown third parties but the concerned Bowbazar Police Station refused to accept such written letter of complaint and advised to obtain necessary order from competent court and as such the Plaintiff has prayed for an ad-interim order of injunction against the Defendants and their men, agents and officers from transferring and/or alienating and/ or parting with the possession of the schedule B property in favour of third party.

Upon perusal of the application filed under Order 39 Rules 1 & 2 read with Section 151 of the Code of Civil Procedure by the Plaintiff and also considering the original documents i.e. letter dt 10.03.1997, receipt dt 10.3.1997, each of rent receipts issued by D'Silva leased property in favour of Jajodias, death certificate of Shankar Lal Jajodia, said plan B, letter dt 13.10.2015, rent bills as well as the photocopies of the documents filed by the Plaintiff / Petitioner and also considering the submission advanced by the Ld. Advocate appearing on behalf of the Plaintiff/Petitioner, this Court is of the view that three cardinal principles namely, prima facie case, balance of convenience and inconvenience and the chance of irreparable loss and substantial injury are to be considered and adjudicated at the time of deciding both the ad interim Order of injunction as well as the injunction application in its finality.

In the present case, Plaintiffs/Petitioners with the help of the original documents, as well as the documents annexed with the injunction application, has tried to establish the prima facie case and the balance of convenience and inconvenience are also lying in favour of the Plaintiffs/Petitioners and the Plaintiffs/Petitioners will suffer irreparable loss and injury if the ad-interim order of injunction is not passed.

Hence, it is

ORDERED

that the defendants and their men, agents and officers are restrained from transferring and/or alienating and/ or parting with the possession of the schedule B property in favour of third party **for a limited period i.e. till the next date.**

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Issue notice upon the Defendants/OPs directing them to show-cause within **15 days** as to why an order of temporary injunction shall not be recorded against them in terms of the prayer so made by the Plaintiffs/Petitioners.

Plaintiffs/Petitioners are hereby directed to comply with the provisions of Order 39 Rules 3(a) & 3(b) of CPC at once and file affidavit of compliance.

Fix **18.09.2026** for S.R. and A.D. and appearance.

Requisites be filed at once.

Bench Clerk is directed to return the original documents filed by the Plaintiffs/Petitioners at the time of hearing and retain the photocopies of the said documents and acquire the signature of the Ld. Counsel on the side of the order sheet.

S/d

Smt. Sutanuka Nag
Judge-in-charge
City Civil Court, Calcutta

S/d

Smt. Sutanuka Nag
Judge-in-charge Bench-XI
City Civil Court, Calcutta