

Title Suit 63 of 2026

Order No. 02 dated 07.05.2026

Today the record has been placed by way of a put up petition.

Ld. Advocate for the plaintiff moves the petition for an order of ad interim injunction U/O 39 Rule 1 and 2 read with section 151 CPC.

No caveat is pending in this case as per the report of the Sheristadar.

Ld. Advocate for the plaintiff files some documents by firisti. Xerox copies of the documents are with the record.

Now, let us consider whether on the basis of the statement made on affidavit by the plaintiff and the documents filed by him, an order of ad interim injunction as prayed for can be granted at this stage prior to the issuance of notice upon the defendant against whom the said prayer of ad interim injunction is made.

Heard the Ld. Advocate. Perused the said injunction petition, plaint and documents filed by the plaintiff and considered.

Now, the record is taken up for passing order.

This is a suit for declaration and permanent injunction.

-: Case of the plaintiffs :-

The case of the plaintiffs in a nutshell is that the plaintiffs have purchased A, B & C schedule property from the predecessor in interest of the defendants by virtue of three registered deeds of sale. Now the defendants put a lock on the grill gate which is fixed on the southern mouth of eastern side common passage through which the plaintiff No. 1 enters to his chambers. The defendants are not allowing the plaintiffs for cleaning the water tank on the roof top. The defendant No. 2 also broke the CCTV camera of plaintiff No. 1. Hence the plaintiff have come before the Court with folded hands for grant of temporary injunction by restraining the defendants and their men and agents from creating any disturbance in the peaceful possession, disturbing the plaintiffs' easementary right as described in schedule D, closing the entrance gate of the common passage without delivering the key to the plaintiff no. 1 in respect of the A, B and C schedule property.

DECISION WITH REASONS

After perusal of the documents and materials on record, it is found out that the plaintiffs have able to prove their right, title, interest in respect of the A, B and C schedule suit property on the basis of the registered deeds of sale. The plaintiffs have also proved their possession over the property. So, the Court is of the opinion that the prima facie case has been cropped up and at this stage having its merits to go into the trial and the balance of convenience and inconvenience is lying in favour of the plaintiff. If an ad interim order is not passed at this stage, it may cause irreparable loss to the plaintiff and the purpose of granting injunction may be defeated by delay. So for the ends of justice ad interim injunction is allowed.

Thus, considering the above facts this Court is of the opinion to allow the instant prayer of the plaintiff at this stage without hearing the defendants.

Hence, it is

O R D E R E D

that the present application U/O 39 Rule 1 and 2 read with section 151 CPC for ad interim injunction be and the same is hereby allowed at this stage.

The defendant Nos. 1 and 2 are hereby restrained from disturbing the peaceful possession of the plaintiff in respect of the A, B and C schedule suit property .

So the ad interim is allowed till **05.06.2026.**

Issue notice upon the defendant No.1 to call upon them to show cause within 15 days from the receipt of such notice as to why the prayer of the plaintiff for an order of temporary injunction shall not be granted.

Plaintiff is directed to comply with the provisions of Order 39 Rule 3(a) and (b) of C.P.C and furnish to the defendant No.1:

1. a copy of the injunction application;
2. a copy of the affidavit filed in support of the temporary injunction application;
3. a copy of the plaint;
4. copies of documents on which the plaintiff relies and
5. an affidavit stating that the copies stated above have been so delivered or sent.

Strict compliance of the above to be made i.d. The interim order shall be vacated.

Requisites at once.

Original documents were duly returned.

D/c by me

CJ

**Civil Judge (Jr Divn)
Amta, Howrah**