

Other Suit –04/ 25(CIS- 04/25)
(CNR -WBWM11 - 000113 -25)

Later on

“No caveat” is pending.

Plaintiff has filed the instant suit against the defendant seeking declaration and permanent injunction.

The plaintiff filed an injunction petition under O. 39, R. 1 & 2 of CPC read with section 151 of CPC ,along with the plaint against the defendant in respect of the suit property mentioned in the schedule of the the plaint.

The facts of the case in nutshell is that ,the suit property, is a Truck P SIDES , Model-GG3520/57H CO, Registration No.WB 29C2773. According to the plaintiffs , plaintiff is the owner of the suit property and the plaintiff has purchased the suit property after taking financial help from the defendant financial company and it was settled after discussion with the defendant that the defendant company will provide Rs. 55,91,575/- as loan amount and the plaintiff has to pay repay the same in 55 numbers of installments of each installments of Rs. 1,36,391/- per month starts from 24.09.2022 and will be ended on 22.08.2027.After purchasing the suit property the plaintiff has done the registration of the said vehicle before the A.R.T.O. Tamluk in his name and the plaintiff has continuously paying his monthly installments to the defendant Bank after certain time the installment amount was restructured with the consent of both the parties and accordingly the plaintiff agreed and the defendants bank took some signature of the plaintiff's on blank papers. Therefore , when the plaintiff went to the defendants bank to pay and statement of account he was informed by the defendant bank that the plaintiff loan installment is due on and from 22.08.2025 and the plaintiff is defaulter in payment and if the plaintiff will not pay the amount in a consequence the defendant bank will took away the suit property . According to the plaintiff , he is paying his installment amount diligently but due to some unfortunate circumstances the plaintiff fell to pay the installments as because the plaintiff's brother who has serious health issues and was under gone a prolonged and costly medical treatment, and failed to pay four installments but the plaintiff is not a willful defaulter and he is ready and willing to repay the installments and the plaintiff requested the defendants bank to enhance the moratorium for six months to regularize the same but on 11.11.2025 the defendant and his associates tried to forcefully taken away the suit property from the custody of the plaintiff from the petrol pump of Chandrakona Road under P.S. Garhbeta and this defendant has no right to do so as this suit property or the vehicle is the only source of lively hood of the plaintiff and the plaintiff is compelled to institute this present suit against the defendants bank.

The cause of action arise on 11.11.2025 at Chandrakona Road P.S. Garhbeta, Dist - Paschim Medinipue, within the jurisdiction of this Court .

The plaintiff has filed some documents at the time of submission of the injunction petition and they are the original Blue Book of the suit vehicle, copy of the installment structure, accounts statements of the defendants bank in respect of the loan provided to the plaintiffs, insurance papers of the suit vehicle etc. All the documents are duly returned to the plaintiff after completion of the hearing.

Perused the materials available on record.

Careful perusal of plaint, from all the documents filed by the plaintiff, and submission of the plaintiffs this Court opined that the plaintiff is paying the installment of the loan vide monthly installments till 2024 and the plaintiff has already paid a considerable amount of the loan and the payment of installment shows that the plaintiff is willing to pay the rest installments to the defendants bank but on the other hand the suit vehicle is the only source of earning of the plaintiff and if the defendant bank forcefully take the suit vehicle then the plaintiff will suffer irreparable loss and injury and without due process of law the defendant bank has no right to take away the suit vehicle from the possession of the plaintiff. Lastly, there is a triable dispute between the plaintiff and the defendants and the. So, I find a prima facie case in favour of the plaintiff as the plaintiff holds the possession of the suit vehicle and balance of convenience and inconvenience also lies in favour of plaintiff. Accordingly, plaintiff is entitled to get ad interim order.

Hence, it is

ORDERED

that, the defendant is hereby restrained from forcefully and without due process of law taking away the suit from the possession of the plaintiff and also hereby restrained from changing the nature and character of the suit vehicle by disturbing the peaceful possession of the plaintiff on the suit vehicle.

The order of ad interim injunction is subject to extension from time to time, if prayed for and allowed or unless changed or varied.

Plaintiffs are directed to comply with this order strictly according to law.

To date for filing objection by the defendants if any.

T/c by me.

S/d- Lipika Das
Civil Judge Jr.Divn