

In The Court of Civil Judge (Junior Division), Lalbagh.

Title Suit 109 of 2019

Present: Arindam Chakraborty.

Civil judge(Jr. Div), Lalbagh.

Order No. 2 dated 18.03.2019.

Record put up at the instance of the Ld. Advocate for the side of the petitioner.

The Ld. Advocate for the petitioner moves the petition preferred under Order XXXIX rule 1 & 2 read with section 151 CPC as filed earlier while preferring this suit.

As per office report it appears that there is no caveat pending in relating to the dispute within statutory period.

I have heard the Ld advocate on behalf of the petitioner.

The petitioner pleaded that by receiving letters dated 08.02.2019 and 14.02.2019 by dint of which the principal OPs apart from OP No.5 has decided to deduct a substantial amount from the monthly salary of the petitioner because of his status as of guarantor of the loan availed by OP No.5 by admitting the liability of surety or guarantor as co-extensive with the liability of the principal debtor it is claimed that actually no step was taken against the debtor to recover the loan amount by way of initiation of any proceeding which disentitled them to take any action against the surety. On such background the present petition preferred to restrain the OP No.1 and 2 from giving effect to the letters mentioned above.

Petitioner preferred the copy of the aforesaid letters along with the service proof.

Considering the nature of allegation put against the principal OPs and by considering the nature of the claim preferred by the petitioner and also considering the documents preferred at this stage this court can not find any strong prima facie case in favour of the petitioner so that the order prayed by him can be granted. So, the prayer is refused.

Issue notice upon principal OPs to show cause within fifteen (15) days from the service of notice thereof as to why the court will not take up the temporary injunction petition ex parte. The petitioner is directed to take steps at once.

Issue notice.

Fix to date **(01.10.2019)** for hearing of injunction petition if SR and AD be received meanwhile as proper service.

D/C by me.

Sd/-

**Civil Judge (Junior Division),
Lalbagh**

Sd/-

**Civil Judge (Junior Division),
Lalbagh**