

The Court of Sub-Judge Baisi, Purnea

T.S. -10/2019

CIS – 10/2019

ORDER

24.10.2019

1. The case record was put up for hearing today on petition filed on behalf of the plaintiffs under Order 39 Rule 1& 2, CPC dated 29/01/19. Rejoinder / Show Cause Reply has been filed today. Perused the case record and considered the submissions made on behalf of the parties.
2. The plaintiffs are seeking to restrain the defendants from dispossessing the plaintiffs from the suit lands and from entering thereupon. Here, oth the parties are claiming possession and the subject matter of dispute is vacant agricultural land. There is no convincing material to believe the possession of either. That is the matter of trial. Only after, evidence are recorded and analysed, the exact determinatyion of possession can be made. If injunction is granted at this stage as prayed, it would amount to granting the decree in favour of the plaintiffs without any hearing. There is no apparent damage or wastage or alienation of the property. No loss would be there to the plaintiff. By any order of injunction irreparable injury would be caused to the defendants, which cannot be compensated in terms of money. So, no prima facie case is made for injunction. Nor any irreprable loss would be caused to plaintiff. In fact, balance of convenience lies in favour of the defendants and they would suffer irreparable loss, if injunction is granted.
3. In view of the grounds stated in preceding paragraphs , the court is of opinion that there is no sufficient ground to restrain the defendants from entering upon the suit lands. However, in order to preserve the suit lands, both the parties are restrained from alienating the suit property without prior permission of the court, for a period of 6 months, subject to condition that plaintiff would complete his evidence within 3 months from today. So, the prayer of the plaintiff is partly allowed with aforesaid condition and petition of the plaintiff is hereby disposed off. Put up on..21/11/2019.... for further proceeding of the main suit.

Sub-Judge -Baisi

Purnea