

THE COURT OF SUBORDINATE JUDGE – BAISI, PURNEA

Case No. T.S. 32/2018

CIS No. 32/2018

In the matter of :

Md. Ismail & Others	---	Plaintiff
	Versus	
Md. Kalim & Others	---	Defendants

ORDER

Dated : 06/01/2020

Pr: Ld. Counsel for the Plaintiff.

Ld. Counsel for the Defendants.

Rejoinder filed by the defendants of Injunction applicatin dated 16/11/2019 praying for temporary injunction against the defendants restraining them from making any kind of intrference in the peaceful possession of the plaintiffs over the suit land. Heard, both the parties. Ld. Counsel for the defendants opposed. Perused the record and considered the submissions made on behalf of the parties.

Admittedly, Final Decree has not yet been prepared in TS – 239/1976. Judgment does not show the disposal of the suit on the basis of compromise as contended by the plaintiff. So, Final Decree was needed for exclusive title and possession. Injunction against the co-sharers defendants is not maintainable in such condition. So, there is no prima facie case for injunction against the defendants. Nor balance of convenience lies in favour of plaintiffs. No irrepable loss was pointed out. Hence, prayer for injunction is hereby rejected. Petition disposed off accordingly. Put up for Plaintiff Evidence on 24/01/2020. Plaintiff to produce evidence without fail.

Sub-Judge
Baisi, Purnea