

ORDER ON I.A. No. I

The appellant has filed this IA under Order XXXIX Rules 1 and 2 of CPC, seeking an order of temporary injunction restraining the respondents their men, followers henchmen or anybody claiming through them from putting up any construction over the suit properties and interfering with his peaceful possession and enjoyment of the suit property till the disposal of the appeal.

In the affidavit, the applicant has stated that the appeal is a continuation of the suit and the trial court had passed an order restraining the original defendants from making any sort of constructional activities till the disposal of suit and after the disposal of the suit the respondents are hurriedly attempting to carry on the illegal construction and hence has prayed to allow the IA.

In spite of appearance, respondents No. 2 and 3 have not filed objections to this IA.

I have heard on both side and perused record.

The main ground for claiming an order on temporary injunction by the appellant is that an order of temporary injunction was passed by the trial court and the same was subsisting till the disposal of this suit. The Learned counsel for appellant has produced certified copy of order sheet of O.S. No. 60/2012 and on perusal of the same, it is forthcoming that the trial court had passed an order to maintain status-quo of the suit properties and the said order came to be continued till 24.11.2012. The suit has been disposed on 16.08.2022. Thus on this it is clear that the status-quo order passed by the trial court was subsisting only till 24.11.2012 and not till the disposal of the suit. The suit of the plaintiff has been dismissed by the trial court on merits. Therefore as the interim order was not subsisting till the disposal of the suit, there is no

prima facie case for granting an order of temporary injunction.

Hence, I proceed to pass the following :

ORDER

I.A. No. I filed U/Order XXXIX Rules 1 and 2 of CPC is dismissed.

Senior Civil Judge & JMFC.,
Shiggaon.

