

ORDERS ON I.A.NO. I AND III

The plaintiffs filed I.A. No. I under Order XXXIX Rule 1 and 2 of C.P.C, and I.A. No. III U/Sec. 63 of BSA. Since the plaintiff has filed this suit against the defendants seeking relief of Injunction. Whereas the present application filed to restrain the Defendant No. 1 or anybody claiming through or under it, making any kind of construction over the suit property. The suit property is 20 Ft. vahivata way, situated at Sy. No. 400/2 of Afzalpur. I.A. No. III filed for seeking permission to produce photographs of suit property along with certificate U/Sec. 63(4) of BSA. The application is deserved to be allowed. Hence, I.A. No. III is hereby allowed.

At this stage the plaintiff failed to prove the illegal construction over the suit property. The photographs produced by plaintiff not disclosed any construction work took place in the suit property. The suit property is public passage, the plaintiff filed present suit against the Defendant No. 1 to restrain from him not to construct.

Hence, the plaintiff failed to prove prima-facie case in her favour, this court found that it is an arguable case for having to pass an ad-interim temporary injunction order on I.A. No. I, therefore in view of the urgency and apprehension not shown by the plaintiff, this court feels that an ex-parte ad-interim order has not to be passed on same, hence, this court proceed to pass the following:-

ORDER

I.A. No. III filed U/Sec. 63 of BSA is hereby allowed.

Issue emergent notice on I.A. No. I
and suit summons to defendants. Call
on 06-03-2026.

**Civil Judge & JMFC
Afzalpur.**