

OS 72/2025

Heard counsel for plaintiff on I.A. No. II.

Counsel filed two Memo's one is enclosed photo copies of suit properties another one is decisions of Apex Court. Same are taken on record. For Orders kept by.

ORDERS ON I.A.NO.II

I.A. No. II i.e. application under Order XXXIX Rule 1 and 2 of C.P.C, seeking ad-interim Order of injunction for restraining the Defendants, their agents, servants or any other person claiming through or under them from causing any kind of interference in the suit property bearing Plot No. 194/1 measuring 100 X 150 Sq. Ft. situated at Ghattarga village.

The suit of the plaintiff is for the Perpetual Injunction against the defendants for restrain them from the not to interfere in the peaceful possession enjoyment of the suit property. Where the plaintiff further argued that the Defendants are being public servants and suit property was under the possession of Defendants who were ran the Govt. school after constructing there school in Govt. allotted property. The Defendants orally hand over the possession of the suit property by removing construction which was standing in suit property. Further, contended that the Defendants after hand over the possession of suit property

again returned to the suit property for undertake construction work, where the suit property is in the possession of the plaintiff and all documents of suit property standing in the name of plaintiff. Therefore, prayed for grant ad-interim injunction as prayed above.

On going through the materials placed on record and argument advanced by the counsel for plaintiff, there is no doubt there is no doubt the suit property standing in the name of the plaintiff.

As per the contention of the plaintiff, the suit property was in the possession of the defendants. At this stage, the plaintiff not shown the Defendants have been hand over the possession of the suit property to the plaintiff. Further, the Defendants are being public servants, they are constructing the public school, therefore, it is unsafe to grant ad-interim injunction for restrain the construction work undertaken by Defendants, the plaintiff not made clear that whether the Defendants work fall under the Sec. 20(A) of Specific Relief Act or not, at this stage it cannot be determined.

At this stage the plaintiffs failed to prove prima-facie case in their favour, this court found that it is an arguable case for having to pass an ad-interim temporary injunction order on I.A.No.II, 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

Issue emergent notice on I.A. No. II
and suit summons to defendants.

For appearance of defendants.

Call on 15-12-2025.

**Civil Judge & JMFC
Afzalpur.**