

Present: Sh. Abhishek Dhall, Advocate counsel for the plaintiff.

1. Civil Suit presented before me being Duty Judge. Entrusted to self. Report of reader seen. Court fee is good and no caveat is pending. It be registered.

2. Along-with the suit an application under Order 39 Rule 1 and 2 CPC is also filed. Ld counsel for plaintiff pressed his application. Arguments heard.

3. It is case of the plaintiffs that he is tenant in disputed shop measuring 6 Marla and is running business in the name and style of Krishna Steel and Furniture House and Bartan Bhandar, situated at Bhogpur road Bholath Sharki, duly described in the head note of the plaint. His father Des Raj took the shop on rent from brother of defendant No.1 namely Yashpal prior to 1972. His father and Yashpal have died. After the death of his father, plaintiff is paying rent to defendant No.1. The shop is in their possession since last 50 years. Tenancy is oral. Now, defendants No.1 and 2 are trying to vacate the shop illegally from plaintiff and they are further trying to alienate the same to defendant No.3 to 5, illegally and forcibly and without due course of law for which they have no right.

4. To substantiate his claim, plaintiff has placed on file his duly sworn affidavit, site plan of the disputed shop, original electricity bills in the name of his father, photographs of the disputed shop and rent receipts allegedly issued by defendant No.1. Owner cannot be restrained from alienating their property, but tenant cannot be dispossessed illegally.

5. After perusal of the file, this court is of the view that it is fit case for granting ad-interim injunction and in case no injunction is granted the very purpose of the suit would be frustrated and it will lead to multiplicity of proceedings.

6. Hence defendants are hereby restrained from dispossessing the plaintiff from the disputed shop or from interfering in his peaceful possession, illegally forcibly and without due course of law till the next date of hearing.

7. Notice of the suit as well as application be issued to defendants for 15.02.2025. Compliance under Order 39 Rule 3 of CPC be made immediately and plaintiff/applicant is directed to get the service of defendants effected at own responsibility, in case he fails to do so it will amount to automatic vacation of the interim stay granted today.

Note: It is made clear that this injunction order is only against present defendants and shall have no effect whatsoever on any third party. It shall also have no effect on the proceedings of any revenue, civil, criminal or other administrative authority.

Date of Order: 03.02.2025

Sumant

(Suresh Kumar)
Civil Judge (Junior Division)/Bholath
UID NO . PB00481