

Sehzad Ali Vs. Saqib Ali and ors.

Present Sh. Ajay Sharma Adv., counsel for the plaintiff.
 Sh. Sushil Kumar Gard Adv, counsel for Caveator
Mohd. Shamshad defendant no.2

Augments heard on the ad-interim injunction. Plaintiff file a suit for permanent injunction. Alongwith the suit plaintiff has filed an application u/o 39 rule 1 & 2 CPC seeking ad-interim injunction. The application is supported by duly sworn affidavit, original site plan, original electricity bill, photograph and lease deed from the year 2008-2015.

I have gone through the record and have perused documents available on record from the perusal of document it transpires that prima facie case is made out in favour of plaintiff because as per the lease deeds on record from the year 2008-2015 plaintiff Sehzad Ali Khan had given the disputed property on lease to defendant no.2 Mohd. Shamshad. Moreover, the electricity bills on record regarding the disputed property are on the name of plaintiff. Id. counsel for the caveator also submitted that he is in possession of disputed property under plaintiff as mentioned in the lease deed from the year 2008 to 2015. Moreover the property in dispute is situated in Lal Laker. Therefore, if defendant no.1 dispossess the plaintiff or defendant no.2 from the disputed property illegally and forcibly it would cause irreparable loss to the plaintiff and if ad-interim injunction is not granted is very purpose of the suit will be defeated. Therefore parties to the suit are directed to maintain status quo regarding the possession of disputed property till 22.04.2016. Defendants be summoned for 22.04.2016, on filing of PF/RC/AD, copy of the plaint. Compliance under order 39 rule 3 be also made as per rules. The plaintiff is directed to get the service of defendants effected by taking Dasti summons and also file affidavit to the effect of same, failing which status quo granted today, stands vacated automatically.

Taranjeet Singh, PCS
CJJ/MLK/16.04.2016