

ORDER BELOW EXH. 6

(Dated- 04-06-2021)

The plaintiff/ applicant filed the present application for grant of ad-interim temporary injunction against the defendant/non-applicant. The plaintiff/applicant submitted that there is an apprehension that the defendant/non-applicant may disturb her peaceful possession over the suit house and may complete further construction. The plaintiff/applicant further submitted that if ad-interim temporary injunction is not granted then the defendant/non-applicant will dispossess her from the suit house and may complete construction and she will suffer irreparable loss which cannot be compensated in terms of money. Therefore, the plaintiff/applicant prayed for grant of ad-interim temporary injunction against the defendant/non-applicant.

Heard advocate Mr. P. N. Sangidwar for the plaintiff/applicant at length.

Perused the record and documents filed with the present suit. After perusal of record it appears that the plaintiff/applicant filed the present suit for perpetual injunction. The plaintiff/applicant is having apprehension that if ad-interim temporary injunction is not granted then the defendant/non-applicant may dispossess her from suit house and complete further construction, therefore, she will suffer irreparable loss which cannot be compensated in terms of money. It is pertinent to note here that mere apprehension is not a proper to grant any remedy or relief in favour of the plaintiff/applicant without hearing other side. Therefore, in such facts and circumstances the present application needs to be decided. Therefore, it is not proper to grant ad-interim temporary injunction against the defendant/non-applicant. So, in the interest of justice, I proceed to pass the following order.

ORDER

1. The present application of the plaintiff/applicant is hereby rejected.
2. EP and SB is allowed as orally prayed by the applicant/plaintiff advocate.

Sd/-

Date : 04-06-2021

Mohmad Wasim Akram
S/o Mohmad Jalal Sheikh
Civil Judge, Jr. Division, Deori