

TS No. 14/18

Order No. 09 Date : 14.08.18

Today is fixed for passing order of temporary injunction application filed by the plaintiff u/o 39 rule 1, 2 ,3 read with section 151 CPC on 26.02.18.

In this application plaintiff has prayed for passing an order of interim injunction against defendant so that defendant is restrained from changing the nature and character of the item no. 1 of the ka schedule property by making construction or dispose/alienate or waste and damage on the grounds stated therein. Defendant has contested this suit by filing WS, but he did not file any written objection against the petition under disposal. On the previous date at the time of hearing, heard both sides. It further transpires from the case record that this court has passed an order to maintain status quo by both the sides in respect of the suit property by way of not to change the nature and character and possession of the suit property when the application was moved by the plaintiff on 27.02.18 in ad interim form. This court is already satisfied with the ingredients for granting temporary injunction in favour of the plaintiff vide order dated 27.02.18 and since then no development took place and nothing has been shown by the defendant, particularly in the case where no WO was filed, I find that there is no reason to disallow the prayer of the plaintiff as made in this application. In my view this application has sufficient merit and it is observed to be allowed.

Hence, it is,

ordered

that the temporary injunction application filed by the plaintiff u/o 39 rule 1, 2 ,3 read with section 151 CPC on 26.02.18 is considered and allowed on contest against defendant but without cost.

Both the parties are hereby directed to maintain status quo in respect of the suit property by way of not changing the nature and character of the same and possession of the parties thereat till the disposal of the suit.

To 11.09.18 for framing of issues.

D/C

Sd/- S. K. Kundu

Civil Judge (Sr.Divn.), Bishnupur.