

Order No. : 04  
Dated : 12.07.2019

Ld. Advocate for the plaintiff moves the petition for temporary injunction.

Heard.

It is reported that no caveat has been filed on behalf of the defendant.

Issue notice upon the defendant asking him to show cause within 15 days from the date of receipt thereof as to why an order of temporary injunction as has been prayed for by the plaintiff shall not be granted.

Considering the submission of the ld. advocate for the plaintiff as well as the materials on record it appears to me that the plaintiff has claimed himself as the recorded tenant in respect of the suit premises and the defendant was permitted to possess the same as a licensee. From the copy of letter dated 28.02.2018 it further appears that such permission has been withdrawn and the defendant was asked to quit and vacate the suit premises and deliver the vacant possession of the same to the plaintiff. Therefore, it is clear that if an order of status quo is passed then the parties would not be prejudiced in any way since it has been alleged in the petition for injunction that the defendant is going to make construction in the suit property. Apart from that if no ad interim order of injunction is passed at this stage then the object of granting injunction would be defeated by delay.

Accordingly, both parties are directed to maintain status quo in respect of the suit premises with regard to its nature , character and possession as on this day till 13.08.2019.

Plaintiff is directed to comply with provision under Order 39 Rule 3 (a) & (b) of CPC at once.

To date.

D/C by me

Judge 5<sup>th</sup> Bench  
(In-charge)

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