

In the Court of Civil Judge (Jr. Divn.) Gangarampur at Buniadpur

Present: Shri Shahid Parvez

Civil Judge (Jr. Divn.)

J.O. Code: WB01233

P.S 43 of 2022, Regd. No.- 43 of 2022

CNR No. WBDD07-000296-2022

Order No. 02

Date: 29-09-2022

The record placed today by the petitioners/plaintiffs who files a petition for hearing of the ad-interim prayer of the injunction application filed under Order XXXIX Rule 1 (a)(b)(c) and section 151 of the Code of Civil Procedure 1908.

As per the report of the Shreistedar, no caveat has been filed in this suit against the present application or otherwise.

The record is taken up for hearing of the ad-interim prayer of the injunction application. Heard ld. Advocate on behalf of the petitioner.

Perused the said application and other materials on record. Ld. Adv. of the plaintiffs submitted that plaintiffs are the possessing the suit property which they got by way inheritance, defendants and also the possessing the suit property. The suit property is not partitioned by metes and bounds. Now, the defendants are trying to change the nature and character of the suit, hence, the suit with a prayer for passing ad-interim injunction against defendants under the instant petition in hand u/O 39 Rule 1 (a)(b)(c) read with section 151 of the CPC.

This Court perused the petition and photocopies of documents which have been filed by the plaintiffs. The plaintiffs have no prima facie case. The Court further finds that if the ad-interim injunction is not granted then plaintiffs will not suffer irreparable loss and injury. The balance of convenience and inconvenience does not lean at this stage in favour of the plaintiffs.

Hence it is,

ORDERED

that the prayer for ad-interim injunction against defendants is considered and refused.

The defendants are directed to show cause within 15 days of the receipt of the notice to show cause as to why the temporary injunction shall not be granted against the defendants.

The plaintiffs are directed to file the requisite at once.

Todate.

D/C by me

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