

Order no. 33 dt.09.10.18

The record is put up on prayer of the Plaintiff.

Plaintiff files a petition supported by affidavit.

Copy served. Both Ld. Advocates are present.

Plaintiff moves the petition filed today. Heard both sides in full.

The record is taken up for passing order.

The Plaintiff stated that on 02.06.16 the temporary injunction petition was heard in contested manner and on 16.09.16 it was fixed for passing order and accordingly the Plaintiff did not pray for any extension order and accordingly the same was not extended. In such circumstances, it is necessary that the ad-interim order be extended or else very object of seeking injunction will be frustrated.

Perused the record and it appears that on 02.06.16 the temporary injunction petition was heard in full and 16.09.16 was fixed for passing order. On 16.09.16 no such order is passed and the ad-inter order was extended and a date was fixed for further hearing of temporary injunction petition. On 07.12.2016 the ad-interim order was extended till necessary order. The record was again put up on 15.09.17 as it was misplaced and the record was again posted for hearing of injunction petition. In the meantime the then P.O was transferred. Now it is necessary that the temporary injunction petition be heard afresh as the hearing was not conducted before me. In the aforesaid circumstances, it is also necessary to extent the ad-interim order of injunction as the said order was passed on merit and technicality should not stand in the way of justice.

Accordingly the prayer of the Plaintiff is allowed.

The ad-interim order of injunction is extended till next date.

To date for hearing of temporary injunction petition.

Dictated & Corrected by me.

C.J (Sr. Divn.), Lalbagh,Msd.

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