

**Present- Md. Hasan Zaman, Senior Assistant Judge,  
Patiya, Chattogram**

**Order No- 22** Today is fixed S.R, filing of W/S and further hearing of injunction  
**Date-17.05.2022** petition.

Plaintiff files hazira. No W/S if filed by the defendants and no SR is received by this court. On repeated calls Ld. Advocate for the defendant is found absent at the time of hearing.

The Ld. Advocate for the plaintiffs moves an application filed earlier on 07.10.2020 seeking temporary injunction against the defendant No- 9/11-14 under order-39 Rule 1 & 2 read with section 151 CPC.

On perusal of the record, it appears that earlier on 07.10.20 the defendant No.9/11-14 were asked to show cause within 10 days of receiving of notice of temporary injunction. Ld. Advocate for the plaintiff urges to the Court to hear the matter since the defendant opposite parties are to appear and to file W.O despite receiving the notice and the matter is very urgent.

Heard submission of the Ld. Lawyer appearing for the plaintiff. Perused the plaint, injunction petition and other materials on record including the documents filed by way of Firisti.

Considered

Plaintiff has filed this suit for partition of the suit land. It is the allegation of the plaintiff that the defendant opposite party no-9/11-14 are disturbing to the peaceful possession of the plaintiff and trying to demolish the Shop structure over the suit land and also trying to dispossess the plaintiff from the suit land forcefully; which prompted the plaintiff to file the instant petition for temporary injunction with an ad interim effect.

Upon considering the petition for temporary injunction, affidavit in support thereof, the documents submitted and the record, it is to my satisfaction that the plaintiff has made out a prima facie case to go for trial and the apprehension stated in the petition does exist. If the said

defendants become succeeded in carrying out such illegal act (as enshrined by the plaintiff in the petition), various complaints may arise leading to multiplicity of proceedings and also that the plaintiff will suffer irreparable losses and injury.

Thus I am of the view that it is a fit case to grant an ad interim injunction without hearing the defendant opposite party for the purpose of preservation of the suit property and delay would defeat the purpose of granting injunction.

**In such situation**, the defendant **opposite party no 9/11-14** are directed not to disturb to the peaceful possession of the plaintiff and not to demolish the shop structure of the plaintiff and also not dispossess the plaintiff from the suit property **until filing of W/O or further order by this court.**

Let this order be communicated to the **defendant opposite party no-9/11-14** for proper compliance. The plaintiff is directed to do the necessary step.

To ----- for S.R, filing of W/S and further order.

**Typed & Corrected by me.**

Senior Asst. Judge, **2<sup>nd</sup>** Court.  
Patiya, Chattogram.

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