

Present : Md. Hasan Zaman, SAJ, Patiya

Order No- 5

Today is fixed for S.R.

Date-27.02.2023

The plaintiff is present by filing hazira.

Record shows that S.R in the name of defendants no.1 has been received upon duly served.

The Ld. Advocate for the plaintiffs moves an seeking temporary injunction against the defendant No- 1 under order-39 Rule 1 & 2 read with section 151 CPC.

On perusal of the record, it appears that earlier on 22.11.22 the Opposite party no.1 was asked to show cause within 07 days of receiving of notice regarding temporary injunction. Ld. Advocate for the petitioner urges to the Court that despite of receiving notice of temporary injunction, the defendant opposite party are delaying to appear in this suit .

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.

The plaintiff petitioner has filed this suit for **specific performance of contract for sale**. It is the allegation of the petitioner that the opposite party no.1 is trying to transfer the suit property inspite of issuance of injunction notice which prompted the petitioner to file the instant petition for temporary injunction with an ad interim effect.

Upon considering the averment of the plaint it appears to me at this stage that the plaintiff has made out a prima facie case in his favor. If **the opposite party no.1** become succeeded in carrying out such illegal act (as enshrined by the plaintiffs in the petition), various complaints may arise leading to multiplicity of proceedings and also that the plaintiff will suffer irreparable losses and injury.

Viewing the case of the petitioner from this angle and considering the urgency shown by the petitioner, I am of the view that it is the fit case to allow the prayer for ad-interim injunction for the purpose of preservation of the suit property and delay would defeat the purpose of granting injunction.

Hence, it is,

Ordered,

that the opposite party no. 1 is hereby directed not to transfer the suit property until filing of W.O.

Requisites to be put in within 05 days from this order failing which the temporary injunction petition will stand disallowed.

To -----for W/S and further order.

Dictated & Corrected by me.

Senior Asst. Judge, 2nd Court.

Patiya, Chattogram.

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Patiya, Chattogram