

O .S 296-2022

Order-03
Date- 09/02/2023

Today the record is taken up on the strength of put up petition filed by the plaintiff.

Put up petition is allowed.

Ld. Advocate for the plaintiffs moves an application filed under order-39 Rule 1 & 2 read with section 151 of the C.P,C for temporary injunction against the **opposite party no- 101-108** since the matter is very urgent.

Now the record is taken for hearing of injunction petition.

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

Considered.

Plaintiffs have filed this suit for **Declaration** and at present the suit is in the stage of S R. It is the allegation of petitioner that the opposite party no- **opposite party no- 101-108** are disturbing to the peaceful possession of the plaintiff and also trying to enter into the suit property forcefully. It is further allegation that they are trying to change nature of the suit property by making construction therein and transfer the same to third other parties which prompted the petitioner 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 petitioner has made out a prima facie case in his favour and the apprehension stated in the petition does exist. If the opposite party no-1-27 succeeded in carrying out such illegal act (as enshrined by the petitioner in the petition), various complaints may arise leading to multiplicity of proceedings and also that the petitioner will suffer irreparable losses and injury.

In such situation, the defendants **opposite party no- 101-108** are directed to show cause within 15 (Fifteen) days from the date of receipt of notice as to why the **opposite parties no 101-108** shall not be restrained from disturbing the plaintiff in his peaceful possession or from making any change to the nature of the suit property or restrained from transferring the suit property to elsewhere by way of passing temporary injunction.

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

To----- for return of notice and further order.

Fix 06.04.2023 for SR and further order.

D/C by me

Md. Hasan Zaman
Senior Asst. Judge
Patiya, Chattagram

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