

**Present : Md. Hasan Zaman, SAJ, Patiya**

**Order No- 04**  
**Date-01.03.2023**

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

Put up is allowed. Now the record is taken for hearing.

The Ld. Advocate for the plaintiffs moves an application under section 151 of CPC seeking temporary injunction against the **defendant No- 1-12** under order-39 Rule 1 & 2 read with section 151 CPC.

On perusal of the record, it appears that earlier on **24.01.2023** the said defendants were asked to show cause within **15 days** of receiving of notice regarding temporary injunction. Ld. Advocate for the plaintiff urges to the Court to hear the matter since despite of receiving notice of temporary injunction, the defendant opposite parties are delaying in appearing 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.

Plaintiffs have filed this suit for Partition.

It is the allegation of plaintiffs that the defendant No-1-12 are trying to change the nature and character of the suit land by making construction thereon which prompted the plaintiffs 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 defendants succeeded in dispossessing of the plaintiff from the suit property and carrying out such illegal act (as enshrined by the plaintiffs in the plaint),

various complaints may arise leading to multiplicity of proceedings and also that the plaintiffs will suffer irreparable losses and injury.

Thus I am of the view that it is a fit case to grant an ad interim order in the way of *status quo* without hearing the defendant; for the purpose of preservation of the suit property and delay would defeat the purpose of granting injunction.

**In such situation**, the plaintiffs and the defendant **opposite parties No. 1-12** are directed to maintain **status quo** in terms of change in regard to transfer or alienation of the suit property and also of nature, character, possession or creating any disturbance over the schedule mentioned suit property to the plaint till filing of W.O

Let this order be communicated to the defendants opposite parties No. **status quo** in terms of change in regard to transfer or alienation of the suit property and also of nature, character, possession or creating any disturbance over the schedule mentioned suit property to the plaint **till filing of W.O** at once.

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

To 26.04.2023 for S. R and further order.

**Dictated & Corrected by me.**

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

Patiya, Chattogram.

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

Patiya, Chattogram