

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

Order No-
Date-15.10.2024

Today, the case is taken up based on the petition filed by the plaintiff. The learned advocate for the plaintiff has moved an application under Section 151 of the Code of Civil Procedure, 1908, seeking a temporary injunction against Defendant Nos. 1 and 2. The relief sought is to prevent any change in the nature, character, and possession of the suit property, as well as to restrain the defendants from transferring or alienating the same during the pendency of this case.

Upon reviewing the records, it is noted that on 01.10.2024, this Court had issued an order directing Defendant Nos. 1 and 2 to show cause within 10 days of receiving notice with respect to the temporary injunction sought by the plaintiff. However, despite the notice being duly served, Defendant No. 1 appeared and sought additional time to file their written objection (W/O), while Defendant No. 2 has not yet complied with the direction to show cause.

The learned advocate for the plaintiff contends that, in the intervening period, Defendant Nos. 1 and 2 are making attempts to forcibly enter the suit land and alter its nature and character, thereby causing a substantial threat to the plaintiff's rights. It is submitted that the defendants, by their actions, are likely to disturb the status quo and prejudice the outcome of the pending litigation. The learned counsel further submits that the delay in filing the written objection by the defendants is being used as a tactic to alter the factual situation on the ground.

On the other hand, the learned advocate for Defendant No. 1 appeared at the time of the hearing and, while strongly opposing the petition for a temporary injunction, admitted that both the plaintiff and the defendants are in possession of their respective portions of the suit property. However, no written objection has been filed by the defendants to substantiate their opposition.

Having considered the submissions put forth by both parties, the petition for a temporary injunction, the accompanying affidavit, the documents submitted, and the record of the case, this Court is of the opinion that the plaintiff has established a *prima facie* case that warrants intervention at this stage. The balance of convenience also tilts in favor of the plaintiff, as any alteration in the status of the suit property could cause irreparable harm to the plaintiff, which cannot be adequately compensated by monetary relief.

This Court further observes that, pending the filing of the written objection by the defendants and a more comprehensive examination of the facts, it is necessary to protect the interests of both parties by maintaining the existing condition of the suit property.

In view of the above, this Court is satisfied that an order for maintaining the status quo is appropriate and necessary to prevent any serious hardship to the plaintiff and to ensure that the subject matter of the suit is preserved in its current state until further orders.

Accordingly, it is ordered as follows:

1. The plaintiff and Defendant Nos. 1 and 2 are hereby directed to maintain *status quo* with respect to the transfer, alienation, nature, character, and possession of the suit property as mentioned in the schedule of the plaint.
2. Both parties are specifically restrained from creating any disturbance or effecting any change in the nature and character of the suit property until the filing of the written objection (W/O) by the defendants or until further orders of this Court.
3. Let this order be communicated to Defendant Nos. 1 and 2 forthwith for strict compliance.
4. The plaintiff is directed to take necessary steps to serve this order on Defendant Nos. 1 and 2 as per the law

List the matter on -----for the filing of the written objection (W/O) and further orders.

Typed & Corrected by me.

Senior Asst. Judge
SAJ 2nd court
Patiya, Chattogram

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