As per order dated 07.11.2024 today is fixed for hearing of injunction petition in presence of both parties.

Plaintiff is present filing Hazira. On the other hand learned Advocate for the defendant is found present but filed no W.O against the injunction petition.

The Ld. Advocate for the plaintiffs moves an application under order 39 Rule 1 & 2. r/w section 151 C.P.C seeking temporary injunction against the defendant 1/3 so as the they do not disturb to the peaceful possession of the plaintiff and not to transfer the suit land to third other parties until final disposal of the suit.

The Ld. Advocate for the defendants denied and submits that they are not disturbing and they have no intention to transfer the suit land since the suit pending. Learned Advocate contends that they have no objection if injunction allowed regarding non transfer of suit land until final disposal of the suit.

Heard submission of the Ld. Lawyers for both parties. 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 Declaration of title and confirmation of possession on the basis of adverse possession. It is the allegation of the plaintiff that the defendant opposite party no-1 & 3 are disturbing to the peaceful possession of the plaintiff and trying to transfer 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 defendant no-1 and 3 become succeeded in transferring the suit land to third other parties pending this suit then 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 for the purpose of preservation of the suit property and delay would defeat the purpose of granting injunction. Moreover since the defendant has no objection against the petition so I do not find any impediment in allowing the injunction petition.

**In such situation**, the defendant **opposite party 1 and 3 are** directed not to disturb to the peaceful possession of the plaintiff and not to transfer the suit land until final disposal of the suit **or further order by this court.**

Let this order be communicated to the **defendant opposite party no- 1 and 3** for proper compliance.

The plaintiff is directed to do the necessary step.

To ---------------------------------for W/S.

This matter is taken up for hearing as fixed vide the order dated 07.11.2024. Both parties are present in court. The plaintiff has submitted a **Hazira**, and the learned advocate for the plaintiff has moved an application under **Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure (CPC)**, seeking a temporary injunction to restrain the defendant-opposite party nos. 1 and 3 from disturbing the plaintiff's peaceful possession over the suit land and from transferring the suit property to any third party until the final disposal of the suit.

The learned advocate for the defendants is present but has not filed a written objection (W.O) against the injunction petition. However, the learned advocate for the defendants contends that the defendants are neither disturbing the plaintiff's possession of the suit property nor intending to transfer the same during the pendency of the suit. Furthermore, the learned advocate submits that they have no objection if the injunction is granted with respect to the non-transfer of the suit property.

I have carefully heard the submissions of the learned advocates for both sides, perused the plaint, the injunction petition, the affidavit in support of the injunction, and the documents submitted by way of **Firisti**, as well as other materials on record.

The plaintiff has filed this suit seeking **declaration of title and confirmation of possession over the suit land**, claiming the same on the basis of adverse possession. It is alleged that the defendant-opposite party nos. 1 and 3 are disturbing the plaintiff’s peaceful possession and are attempting to transfer the suit land forcefully, which has compelled the plaintiff to file the instant petition for temporary injunction with an ad interim effect.

Upon evaluating the material placed on record and considering the relevant aspects it appears that the plaintiff has successfully demonstrated a prima facie case to proceed to trial. The allegations and the accompanying documents establish a credible claim that warrants adjudication. The plaintiff has expressed a reasonable apprehension that the defendants may transfer the suit property to third parties during the pendency of the suit. If such a transfer occurs, it may lead to irreparable loss to the plaintiff and create a situation involving multiple legal proceedings, thereby complicating the resolution of the dispute.

The balance of convenience lies in favor of the plaintiff. Allowing the defendants to deal with the suit property, particularly to transfer it, would risk prejudicing the plaintiff’s rights and interests.Moreover Learned Advocate for the defendants categorically stated that they have no objection to the injunction petition insofar as it pertains to the non-transfer of the suit property. This removes any impediment to granting the relief sought by the plaintiff.

Based on the above considerations, the petition for a temporary injunction is **allowed**. Accordingly, the defendant-opposite party nos. 1 and 3 are hereby:

1. **Restrained** from disturbing the plaintiff’s peaceful possession over the suit land in any manner whatsoever.
2. **Restrained** from transferring or creating any third-party interest in the suit property until the final disposal of the suit or until further orders from this court.

The plaintiff is directed to take necessary steps to communicate this order to the defendant-opposite party nos. 1 and 3 for compliance.

To--------------------------------- for filing the **W/S** by the defendants.

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

The Ld. Advocate for the plaintiffs moves an application filed earlier on under section 151 C.P.C seeking temporary injunction against the defendant No-1-7 .

On perusal of the record, it appears that earlier **on 26.04.23** the defendant No.1-7 was asked to show cause within 15 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 party no 1-7 are delaying 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 declaration of title confirmation of possession and permanent injunction. It is the allegation of the plaintiffs that the defendant opposite party no-1-7 are disturbing to the peaceful possession of the plaintiff and trying to dispossess the plaintiffs from the suit land and also to change nature and character of the suit land and also trying to transfer the same to third parties; 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 defendant no-1-7 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 1-7 are** directed not to disturb to the peaceful possession of the plaintiff and not to dispossess them and also not to change nature and character of the suit property by making construction over it **till filing of W.O or further order by this court.**

Let this order be communicated to the **defendant opposite party no- 2-20** for proper compliance. The plaintiff is directed to do the necessary step.

To -----------------------------for S R and further order.