

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

This record is taken up today based on a petition filed by the plaintiff under section 151 of the Code of Civil Procedure (CPC) for a temporary injunction. The plaintiff claims that the defendants are continuously disturbing the peaceful possession of the plaintiff over the suit land, which necessitates an urgent injunction to prevent further disturbance pending the hearing of the injunction petition.

Both parties, represented by their respective learned advocates, appeared in court and agreed to a hearing on the injunction petition. The record is accordingly taken up for hearing.

Learned advocate for the plaintiff submitted that the plaintiff possesses title and uninterrupted possession over 12 + 7 decimals of land, specifically described in the suit schedule as B.S. Plot No. 6434 under B.S. Khatian No. 2217. The plaintiff's claim to this land is based on the Kabala No. 9083 dated 15.10.2009 and Kabala No. 13054 dated 18.12.2011, establishing the plaintiff's purchase and ownership. The Mutation records, specifically Mutation Khatian Nos. 3892 and 5375 and Rent receipts proving regular rent payments to the government, which further support the plaintiff's possession.

The learned advocate for the defendants opposed the injunction, arguing that the defendants are in peaceful possession of their own portion and do not disturb or infringe upon the plaintiff's rights or possession of the specified 12 + 7 decimals of land. The learned advocate for the defendants has further clarified that they have no claim over the portion of land owned by the plaintiff.

Upon hearing both sides and examining the documents submitted, it appears that the plaintiff has established a prima facie case based on Valid documents indicating title through purchase (Kabalas dated 15.10.2009 and 18.12.2011) and evidence of possession through mutations and rent receipts. Based on these documents, there is sufficient indication of the plaintiff's prima facie title and possession over the suit land. The court also considers the balance of convenience, which favors the plaintiff, as any interference or dispossession would likely cause irreparable harm and hardship to the plaintiff. On the contrary, restraining the defendants from disturbing the plaintiff's possession will not materially prejudice the defendants' rights.

In accordance with the principles for granting temporary injunctions, particularly to prevent irreparable harm and preserve the status quo, the court finds it just and appropriate to grant a temporary injunction to restrain any acts of disturbance, dispossession, or alteration of the character of the suit land by the defendants.

Hence ,

it is Ordered

that The plaintiff's petition for a temporary injunction is **allowed on contest**.

The defendants (specifically Defendant Nos. 1 and 2) are **restrained by this temporary injunction** from:

- Disturbing the peaceful possession of the plaintiff over the 12 + 7 decimals of land detailed in the suit schedule.
- Dispossessing the plaintiff from the suit land.
- Altering or changing the nature and character of the suit land in any manner until the final disposal of the suit.

This order is to remain in effect until the final disposal of the suit or until further order of this court.

**No order as to costs.**

The plaintiff is directed to furnish requisites immediately to ensure the communication of this order to the relevant parties and authorities as required.

**To -----for**

D/C by Me

Md. Hasan Zaman  
Senior Assistant Judge  
Senior Assistant Judge 2<sup>nd</sup> Court, Patiya  
Chattogram

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