

## SUBHASH CHANDER VS KAMLA

Present: Ms. Taniya, Advocate for plaintiff.

Suit received by way of entrustment. Report of reader seen. Let the suit be registered. Along with suit an application under Order 39 Rule 1 and 2 read with section 151 CPC has been filed praying for the grant of exparte ad-interim injunction.

It is contended by Learned counsel for the plaintiff that the plaintiff is in possession over the property in question shown in red colour in site plan as the said property was the ownership of Ram Yadav son of Ganpat Ram and the said suit property was given to the plaintiff by Ram Yadav for living of plaintiff and his family members. The defendants have no concern with the property in question. It is only the property shown in green and blue colour which are joint properties between the plaintiff and the defendants. Hence, defendants be restrained from interfering into the possession of the suit property and from taking forcible possession of the suit property and dispossessing the plaintiff from the suit property in any manner, illegal and forcibly. In order to substantiate his contention, plaintiff placed reliance upon documents i.e. photographs, electricity bills, copy of Ikrar Nama and copy of Aadhaar Card.

After hearing Learned counsel for the plaintiff and perusal of documents placed on record, this court is of considered view that a prima facie case is made out in favour of the plaintiff as the plaintiff is shown to be co-sharer in possession of the suit property and if exparte injunction is not granted the very purpose of suit would be defeated or frustrated and it will

lead to multiplicity of litigation. Therefore, defendants are hereby restrained from dispossessing the plaintiff from the suit property, illegally and forcibly except in due course of law till the next date of hearing.

Plaintiff is directed to comply with the mandatory provisions of Order 39 Rule 3 CPC, failing which ex-parte interim injunction granted shall be vacated automatically. Now, case is adjourned to 11.04.2025 for service of defendants on filing of PF/copies of documents etc. within 3 days. Let the copy of this order along with copy of the plaint and application be also sent to the defendants for 11.04.2025.

Date of Order: 26.03.2025  
*Tanya*

(Ms. Arpna)  
Civil Judge (Junior Division)-15  
UID NO . PB00618