

**Misc. Case No. 79 of 2023**  
(Title Suit No. 54 of 2023)

IN THE COURT OF CIVIL JUDGE (JR. DIV.) No. 2,  
DIBRUGARH

**Present: Dr. Salma Begum Laskar, A.J.S.,**  
**Civil Judge (Jr. Div.) No. 2, Dibrugarh**

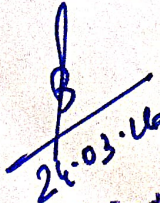
**ORDER**

**24-03-2026**

Both the sides are represented by their Learned engaged counsels.

By this order, I shall dispose of the petition no. 815/23 registered as Misc. Case No. 79/2023 filed by petitioner/plaintiff under Order 39 Rule 1 & 2 read with Section 151 CPC praying for temporary injunction.

The petitioner/plaintiff story in brief is that the opposite parties came to the house of the petitioner for purchase of plot of land measuring 2B-0K-0L and subsequently agreed to purchase the same taking a sum of Rs. 20,000/- as consideration by executing Kutcha Sale deed delivering the physical possession. After taking possession, the petitioner along with family members started using and enjoying the suit land by paddy cultivation. Several times, the petitioner approached opposite party for registration of the sale deed but the opposite party with ill motive delayed the matter for registration of the sale deed. Hence, the petitioner/plaintiff finding no other alternative filed this injunction petition considering the emergency and urgency. The

  
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petitioner/plaintiff submitted that he has a strong prima facie case, balance of convenience tilts in his favour and he shall suffer irreparable loss if injunction is not granted till the disposal of the main suit.

Upon issuance of notice, the O.P/defendants filed written objection against the petitioner/plaintiff denying the allegations labelled against them.


I have heard the Learned counsel appearing for both the sides at length and also perused the case record of the instant Misc. Case along with the case record of the main suit.

The relief of temporary injunction is and equitable relief and the party seeking such a relief must show that there is in fact threat or danger to property as enumerated in Order XXXIX Rule 1 CPC. The sole object of temporary injunction is to preserve the subject matter in controversy in its then condition without undermining any question of right and merely to prevent further penetration of wrong, or doing of any act whereby the right in controversy may be materially injured or endangered.

It is well settled that the law of injunction is governed by three golden principles, i.e.,

- (a) whether prima facie case has been made out,
- (b) whether balance of convenience is in the favour of the plaintiff, and
- (c) whether petitioner will suffer irreparable injury if the temporary injunction is not granted.

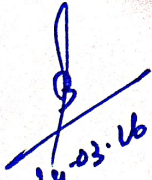
The allegations levelled by the petitioner are required to be tested by evidence. There is a substantial question

  
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which needs to be adjudicate in the present suit, which necessarily give rise to a prima facie case.

The petitioners apprehended that O.P might create disturbance to the petitioner/plaintiff over the suit land. Whereas, the O.P/defendant pleaded that there is no cause of action in the suit connecting the instant Misc. case. Apart from mere plea, no overt or covert on the part of O.Ps' creating disturbance over the suit land was proved by the petitioner/plaintiff. Simply hardship may be caused, cannot by itself be the sole ground for the court to grant injunction. Mere interference with a legal right does not ipso facto entitle a plaintiff to an injunction. There must be violation of an enforceable right and the violation must be of substantial character. The plaintiff must show a clear necessity for affording immediate protection to his alleged right which would otherwise be seriously injured or impaired. A proper balance between the parties must be established because the balance cannot be a one-sided affair.


In such scenario, with regard to the principle of balance of inconvenience and irreparable loss or injury is concerned, it appears to me that till the determination of the dispute, no restraining order is required at this juncture. If any restraining order is passed, it is the O.P/defendant who will suffer loss or inconvenience as compared to the loss and suffering which may accrue to the petitioner/plaintiff. Thus, the principle of balance of convenience and irreparable loss are appearing to be not in favour of the plaintiff/petitioner.

  
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Hence, considering the facts and circumstances coupled with the above adumbration, this court is of opinion that no restraining order against the O.P/defendants is not required at this juncture.

The instant Misc. (J) Case is disposed of on contest.

Given under my hand and seal of this court on 24<sup>th</sup> day of March, 2026 at Dibrugarh.

  
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