

24.7.17

Parties are represented.

Today is fixed for orders in the
instant Misc (S) Case and same is
passed accordingly hereunder.

Parties - Haridhar Daimary
and Saknanda Bora seek their
impleadment in Misc (S) 58/13. The
part is u/Or 1210 C.P.C. It is the
parties plea that one Bapam Das
executed an agreement for sale in
respect of a plot of land measuring
12.5 L - covered by dag No 110 and
patta No 120, at Bogaigaon and
received advance consideration

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cont

amount but even thereafter he failed to execute the registered sale deed in respect of the said land, compelling the petitioners to institute the present title suit viz numbered T. S 22/11, for specific performance of contract aforesaid which was decreed and in which connection T. Ex 3/13 had been instituted. Petrs further aver that the decree obtained could not be executed for the injunction order in respect of the S/L passed in Misc (P) 58/13. It is averred that the injunctive order passed in Misc (P) 58/13 was passed fraudulently, which is required to be vacated and therefore the petrs seek their impleadment in Misc (P) 58/13 vide the instant applications which have been registered as the present Misc (P) case. Petrs aver that the w.o objection filed by OP No 1, who having had notice of the instant proceedings, filed the same.

u/o nro CPC

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und

In his w. objection, the O.P. No. 1 resisted the pet's prayer, primarily on the ground of the petⁿ being a time barred one. O.P. prays for dismissal of the petⁿ.

Proceeding proceeded in absence of O.P. No. 2's w. objection.

Heard both sides.

Perused the provisions of Or 12/10 CPC and also perused the case record of Misc (g) 58/13 which is available in the instant court.

Misc (g) 58/13 has been disposed of is a fact. Injunction has been passed against the ^{opposite} parties therein, not to transfer or alienate the s/L to any third party.

The petrs are seeking implement in a proceeding which ^{is} no longer in the file. Provisions of Or 12/10 CPC do not find application therein. Petrs can at seek for variance of the order, but their imp^o petⁿ for implement in a

Misc(9) 5/17

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ca 10

proceeding disposed of ~~last~~ long back
is can be allowed. P.M. is infructuous.

Misc(9) case is dismissed acc^y with cost

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Civil Judge,
Bongaigaon