

**Order on IA No.1/2026 filed U/Or. 39 Rule 1 and
2 R/w Sec.151 of CPC**

The Plaintiff has filed the above application seeking ex-parte temporary injunction restraining the Defendant from interfering with the Plaintiff's peaceful possession and enjoyment of the Suit Schedule Property, pending disposal of the above suit and also to dispense with the issuance of notice.

2. Perused the affidavit in support of the application and the xerox copies of the documents produced at this stage.

3. It is contended by the Plaintiff that, she is the absolute owner and in lawful possession and enjoyment of the Suit Schedule Property by virtue of Sale Deed dtd: 15.2.1980. The Plaintiff is aged 74 years and her husband is aged person and suffering from parkinson's disease and requires constant medical care, assistance and peaceful environment. The Plaintiff is the mother of Defendant and she permitted him to reside in the Suit Schedule Property

out of love and affection and he is in permissive possession and did not create any legal or proprietary right in his favour over the Suit Schedule Property. On 21.7.2026 the Defendant has become aggressive and continuously harassing the Plaintiff and her family members and threatening to kill them and has damaged the cupboards, furniture and other fixtures in the residential house. In this regard, the Plaintiff has lodged complaint and the police have visited the house and advised him to behave properly, but he continued his violent abusive and threatening conduct. Therefore, it is necessary to grant ex-parte temporary injunction as prayed in the applications.

4. Admittedly, the Plaintiff has produced the copies of Sale Deed dtd: 15.2.1980, Khatha Certificate, Tax Paid Receipt, Aadhar Card of Plaintiff and other family members, Voter ID, Photographs, acknowledgment issued by the Police, latest water bill & electricity bill.

5. On perusal of the prima-facie documents with contents of affidavit and the reliefs as claimed by the Plaintiff in this suit, this Court opines that, at this stage of the proceedings, this Court cannot say that

as on the date of suit, the Plaintiff has not made out prima-facie case to grant relief as prayed in this application. If the Defendant is not restrained by way of temporary injunction, definitely the Plaintiff may be put to great hardship and irreparable loss.

6. Hence, Issue Temporary Injunction as prayed for in IA.No.1/2026 till the appearance of Defendant before the Court, subject to Plaintiff complying with the provisions contemplated U/Or. 39 R 3 of CPC.

7. Issue Suit Summons and Notice, Notice on interim order passed on IA.No.1/2026 to the Defendant, through Court and Speed Post if PF is paid, returnable by : 3.9.2026.

[Sri. Sreepada N]

*LXXII Addl.City Civil & Sessions
Judge, (CCH-73), Bengaluru.*