

The plaintiff has filed the present suit for the relief of permanent injunction against the defendants in respect of the suit schedule property.

2. The plaintiff has filed I.A.No.I U/o 39 Rule 1 and 2 R/w section 151 of CPC and prays to pass an exparte ad interim order of temporary injunction restraining the defendants, their men, representatives, or anybody acting on their behalf from interfering or encumbering the suit schedule property, pending disposal of the suit.

3. The plaintiff has produced certified copies of sale deeds dated 05.12.2023, 16.05.1998, 01.08.1966, sale agreement dated 19.01.2023, release deed dated 19.01.2023, RTCs, Mutation register extracts, katha extracts, conversion order, pakka book, sketch, conversion map, Aakar Bandh, tax paid receipts, endorsement, encumbrance certificates, FIR, plaint along with affidavit and IA No.I and II with lost of documents in O.S. No. 1260/2023 and in O.S. No. 701/2024.

4. I have heard on the application and perused the records. It is the case of the plaintiff that, the plaintiff is the absolute owner and in enjoyment over the suit schedule property having acquired the same through registered sale deed dated 05.12.2023. Originally Marulasiddappa is the absolute owner in peaceful possession and enjoyment of the property bearing old Sy.No. 12/6, new Sy.No. 12/6B measuring 0-8 guntas situated at Hosahalli village having purchased the same from his vendor Mahadevaiah and his sons under the registered sale deed dated 16.05.1998. The said Mahadevaiah has acquired the suit schedule

property from his vendor through registered sale deed dated 01.08.1996. After acquiring the suit schedule property by the plaintiff, the plaintiff was in peaceful possession and enjoyment of the same. The plaintiff got converted the suit schedule property from agricultural to residential purpose. The defendant No.9 and 8 have filed false and frivolous suit against the plaintiff for the relief of injunction in O.S. No. 1260/2023 in respect of old Sy.No. 12/6, new Sy.No. 12/6B of Hosahalli village measuring East to West 22 feet and North to south 27 feet. Further the defendant No.5 and 7 have also filed false and frivolous suit against the plaintiff for the relief of declaration and injunction in respect of property No.12/6B in Janjuru No.551, Property No.42 measuring East to West 36 feet and North to south 16 feet and another property measuring East to West 22 feet and North to south 27 feet in O.S. No. 701/2023. The said suits are pending for adjudication. The defendants are the third parties and they are no way concerned to the suit schedule property, but defendants are colluded with each other and without any documents, trying to interfere with the peaceful possession and enjoyment of the plaintiff over the suit schedule property. The defendants are also trying to encroach the property by way of illegal method. Hence the plaintiff has filed this suit.

5. Looking into the pleadings and documents on record, this court is of the opinion that, the plaintiff has made out prima facie case in her favour. Therefore the balance of convenience lies in her favour and if T.I. is not granted plaintiff will be put to hardship and the very purpose of the suit would be defeated. Hence I proceed to pass the following;

ORDER

The defendants, their men, representatives, or anybody acting on their behalf are hereby temporarily restrained from interfering or encumbering the suit schedule property, till next date of hearing.

T.I is granted till next hearing date.

The plaintiff shall comply Order 39 rule 3 (a) of CPC accordingly.

The plaintiff is hereby directed to furnish the copy of compliance affidavit. Office is hereby directed to issue certified copy of this order to the plaintiff after due compliance.

Issue suit summons and notice of exparte T.I order on I.A.No.I to defendants through court and RPAD if PF paid.

Returnable by: 18.07.2024

I Addl.Civil Judge,
Bengaluru Rural District,
Bengaluru