

ORDERS ON

The plaintiff has filed the present suit for declaration injunction, permanent Injunction against the defendants. The plaintiff has filed the present application u/o 39 Rule 1 and 2 along with documents and prays to pass an order of ad-interim Ex-Parte temporary injunction restraining the first defendant and all persons claiming through them from disconnecting/interrupting all essential service which is being provided to the plaintiff Association Members including but not limited to services such as electricity, water, security guards, drainage cleaning, etc., covered under the maintenance fund with respect to the apartment complex known and called as "Lilium Gardenia" situated at M/s Dammanagi Developers Pvt. Ltd., and others pending disposal of the suit.

Heard and perused the material available on records.

During the course of arguments Counsel for the plaintiff argued that, defendants are illegally claim additional maintenance charge from the members of the plaintiff and also defendants trying to disconnect the essential service provided to the plaintiff association members. Further specifically contended that if the water,

electricity and basic needs if disconnected it is very impossible to lead life. So, if temporary injunction is not granted against the defendants, the plaintiff property will be put to irreparable loss and their right of enjoyment will be defeated with the hands of the defendants in support of his arguments files following citations.

1. **2018 SCC Online Bom 591**
2. **2021 SCC Online Bom 622**
3. **2016 SCC Online Bom 16054**
4. **2013(2) Mh.L.J 463**
5. **Interim Order dated 24.11.2021**

Hence, prays to pass the suitable orders on present application.

The defendant in order to substantiate their guards, drainage cleaning covered under maintenance fund with respect of the apartment complex known called as “Lilium Gardenia” situated at M/s Dammanagi Developers Pvt. Ltd., and others.

Hence IA No.5 is allowed, defendant No.2 to 5 are hereby restrained from discontinuing any services in the apartment complex “Lilium Gardenia” including but not limited to housekeeping, security, uninterrupted water/electricity/ access etc., as against the plaintiffs.

Till the next of hearing.

O.S.NO.8290/2023

The plaintiffs to comply proviso (a) and (b) to Rule 3 of Order 39 CPC, forthwith.

Officer is directed to issue exparte Temporary injunction order to defendant No.2 to 5.

Issue emergent notice on IA No.5 and suit summons to defendant No.2 to 5.

Call on 12.01.2024.

**III ADDL. CITY CIVIL AND
SESSIONS JUDGE, BENGALURU**