

The plaintiffs having filed the instant suit against the defendant for the relief of permanent injunction, have filed the I.A. No.1 under order 39 rules 1 and 2 r/w section 151 of C.P.C. The plaintiffs in I.A. No.1 have prayed to pass an ad-interim order of temporary injunction, against the defendant or any persons on his behalf, restraining them from interfering with peaceful possession and enjoyment of the plaintiffs over the suit schedule properties, pending disposal of the suit.

Heard Sri. HRM the learned counsel for the plaintiffs, referring similar grounds urged in the I.A. No.1, submits that the plaintiffs have produced enough materials to show that they being owners, in actual possession and enjoyment of the suit schedule

properties, are paying tax to the authorities concern, but the defendant, who has no manner of right, title and interest over the suit schedule properties, is causing interference in possession of the plaintiffs over the suit schedule properties. Therefore, the learned counsel prays to pass an ad-interim exparte order of temporary injunction, against the defendant or any persons on his behalf. The perusal of the documents produced by the plaintiffs, in support of their suit, prima facie discloses that the plaintiffs are the owners and in actual possession and enjoyment of item Nos.1 and 2 of the I.A. No.1 schedule properties and plaint schedule immovable properties, as such, there is substance in submission of the learned counsel for the plaintiffs that the plaintiffs, at this stage, have made out a prima facie case and also the plaintiffs have arguable case, on merits. Therefore, if the defendant and any persons on his behalf, are permitted to continue the alleged act of interference, then, possibility of causing hardship and injury to the plaintiffs, cannot be over-ruled. Under the circumstances, if the notice of I.A. No.1 is ordered to the defendant, the delay likely to be caused will defeat very purpose of filing of the suit. Therefore,

issuance of notice of I.A. No.1 to the defendant is dispensed-with. Thus, I proceed to pass the following:

ORDER

Issue ad-interim exparte temporary injunction against the defendant or any persons on his behalf from causing any sort of interference in peaceful possession and enjoyment of item Nos.1 and 2 of I.A. No.1 schedule properties and plaint schedule immovable properties, by the plaintiffs, as prayed in I.A. No.1, till further order.

The plaintiff, to comply the provisions contemplated under order 39 rule 3(a) of C.P.C.

Issue suit summons and notice of I.A. No.1 along with exparte temporary injunction order to the defendant, returnable by 16.08.2018.

II Addl. C.C. & S.J.
Bengaluru.