

KABG040015092026



09.06.2026

O.S.No.499/2026

ORDERS

I.A.No.I is filed by the plaintiffs U/O. XXXIX Rule 1 and 2 R/w. Sec.151 of C.P.C. seeking ad-interim ex-parte temporary injunction restraining the defendant from proceeding with construction over the area measuring 2.5 feet North-South and 21 feet East-West i.e., 52.5 sq.ft., out of land bearing R.S.No.96 totally measuring 2 Acres 14 Guntas situated at Pant-Balekundri Village, Belagavi.

It is the case of plaintiffs that since last 15 days the defendant has been carrying out illegal activities and causing disturbance to plaintiffs' peaceful possession and enjoyment over suit property. That the suit property is

ancestral property of plaintiffs and after the death of their father, the plaintiffs are in lawful possession of suit property, but the defendant has encroached upon some portion of the suit property as stated above and he is trying to erect structure over the said portion and despite complaint given to Gram Panchayat, Pant-Balekundri, the defendant did not heed the request of plaintiff.

Heard the learned counsel for plaintiffs.

In support of their case, the plaintiffs have produced the RTC Extract pertaining to R.S.No.96 measuring 2 Acres 14 Guntas which shows the name of father of plaintiffs in Column No.9 and 12 as joint owner along with one Madarasa and Chief Trust. The plaintiffs have also produced surviving family members certificate of father of plaintiffs to show that the plaintiffs are sons of Akbarali Mujawar whose name is appearing in RTC Extract as owner in possession of said property. The plaintiffs have also produced notice issued by P.D.O., Gram Panchayat to the defendant calling upon him to produce document pertaining to his property

before carrying out construction in the suit property. All these documents prima facie reveal that the plaintiffs are in possession over suit schedule property and the plaintiffs have made out prima facie case that the defendant has been carrying out construction therein by encroaching the portion of suit property. As such, the plaintiffs have made out a case for grant of ex-parte temporary injunction as prayed for in I.A.No.I to restrain the defendant from putting up any construction of permanent or temporary structure over the suit property.

Issuance of notice to defendant before granting T.I. as per I.A.No.I would defeat the very purpose of suit since the plaintiffs are shown to be in prima facie possession over suit schedule property. Also, if the present application is not allowed, then it would lead to multiplicity of proceedings. Hence, at this stage, the plaintiffs have made out prima facie case to allow the I.A.No.I for granting ex-parte T.I. Hence, I proceed to pass the following :

ORDER

I.A.No.1 filed by applicants/ plaintiffs is hereby considered and the defendant, his agents, henchmen acting on his behalf are restrained from putting up any construction of permanent or temporary structure over the suit property and thereby encroaching upon the suit property, till next date of hearing.

The applicants/plaintiffs shall comply the requirements U/O.XXXIX Rule 3(a) & (b) of C.P.C. and shall report such compliance in the office.

Office to issue the copy of this order to plaintiffs only on such compliance.

Issue suit summons and notice on I.A.No.1 U/O.XXXIX Rule 1 and 2 of C.P.C. to defendant returnable by 23.06.2026.

**Prl. Civil Judge & JMFC,
Belagavi.**