

### **Exparte Order on I.A.No.I**

Heard Ex-parte on I.A.No.I by advocate for plaintiff.

2. Plaintiff has filed I.A.No.I u/O.39 Rule-1 & 2 r/w Sec.151 of CPC seeking to restrain the defendants from obstructing the plaintiff's peaceful possession and enjoyment of the suit-property, pending disposal of the suit.

3. In the affidavit annexed to the application, it is stated that, the plaintiff is the owner in possession of the suit-property by virtue of the registered sale-deed dated 27.04.2013 executed by one Arun Annaji Kulkarni. Accordingly, the name of plaintiff came to be entered in the panchayat records of the suit-property. Thereafter, the plaintiff obtained the permission from the panchayat for construction of the RCC building in the suit-property. Whereas, the defendants who have no right whatsoever, in the suit-property is trying to dispossess the plaintiff. Hence, the suit and application.

4. Perused the application, affidavit and documents on record.

5. The plaintiff has produced the copy of sale-deed, VPC extract, tax paid receipts, no objection certificate by HESCOM, copy of FIR and the resolution passed by

Hindalaga Gram panchayat granting permission to plaintiff to put-up construction in the suit-property. All these documents prime-facie indicate that the plaintiff is the owner in possession of the suit-property and the defendants are interfering with his possession. Thus, it is just and necessary to retrain the defendants from causing interference. Accordingly, an ex-parte order of temporary injunction is passed against defendants **till next date of hearing.**

The plaintiff shall comply with the provisions of order 39 Rule 3 of CPC.

Issue T.I. order only after compliance.

Issue emergent notice of I.A.No.I, Ex-parte Temporary Injunction Order and suit summons to the defendants if P.F. paid.

Call on: 28.11.2017.

**Sd/-**  
**I Addl. Civil Judge & JMFC.,**  
**Belagavi.**