

Heard the counsel for the plaintiff.

2. Perused materials available on record, plaint and documents produced along with the plaint and IA-I.

3. The plaintiff has filed the suit for injunction against the defendants restraining them from interfering with the peaceful possession of the plaintiff by encroaching upon the suit schedule property

4. The plaintiff has also filed IA-I under Order XXXIX Rule 1 and 2 R/w Section 151 of CPC seeking an order of temporary injunction restraining the defendants No.1 and 2 from encroaching upon the suit schedule property or interfering with the possession of the suit schedule property till the disposal of the suit.

5. It is the case of the of plaintiff that, it is a company dealing with the manufacturing of construction materials. For the expansion of the company, suit schedule property along with other properties have been purchased by the company by virtue of a registered sale deed from its previous owner. Defendant No.1 and 2 being the neighbours of the suit schedule property are trying to encroach upon the suit schedule property and thereby disturbing the possession of the plaintiff over the

suit schedule property. Therefore, the plaintiff was constrained to file the suit as well as IA.

6. In support of its case, the plaintiff has produced copy of sale deed, conversion order, RTC and sketch. Copy of the sale deed would show that the plaintiff has purchased the suit schedule property to a larger extent along with other properties. The said property has been converted for industrial purposes by virtue of the order of the competent authority. The RTC is also standing in the name of the plaintiff. Therefore, the plaintiff has shown semblance of right over the suit property.

7. The plaintiff contend that it is a manufacturing company. Thus, any interference from defendant No 1 and 2 would cause loss and hardship to the plaintiff. Under such circumstance, if the notice is issued it may cause delay and it may also lead to multiplicity of proceedings. Therefore, I am of the opinion that the plaintiff has made out grounds to grant an order of *ex parte* temporary injunction. Accordingly, I proceed to pass the following;

ORDER

Exparte ad-interim temporary injunction
is granted on IA-I.

Defendant No.1 and 2 are hereby
restrained from interfering with the possession
of the plaintiff over the suit schedule property
till the next date of hearing.

Issue T.I. order, emergent notice of IA-I to
defendants and suit summons to defendants.

Plaintiff is directed to comply Order 39
Rule 3 of CPC.

Call on 26.11.2024

Sd/-
(Guruprasad C.)
C/c III Addl. C. J. & JMFC, Belagavi.