

ORDER ON IA No.I

Perused the plaint averments, I.A.No.1 along with affidavit and documents produced by the plaintiffs. On perusal of the check slip there is no caveat filed in this case. The suit is for permanent injunction and declaration.

This is an application filed under Order XXXIX Rule 1 & 2 R/w Sec.151 of CPC praying to issue ad-interim, ex-parte temporary injunction against the defendant, agents, servants or anybody acting on their behalf be restrained from disturbing/interfering with the peaceful use and enjoyment of the suit track plaintiffs in any manner till the disposal of the suit.

I have heard and perused the documents available at this stage.

It is the specific case of the plaintiffs that they and the defendant are adjoining land owners and their agricultural lands are situated one after the other. It is further contended that the plaintiffs have been using the suit cart track since several years for ingress and egress to their lands and for transportation of agricultural produce. According to the plaintiffs, they have no alternative access to their lands except the said cart track. It is alleged

that the defendant, without any right, has obstructed the said cart track by digging it with a JCB machine and is attempting to cultivate sugarcane therein, thereby preventing the plaintiffs from accessing their lands.

The documents produced by the plaintiffs, namely RTC extracts, hand sketch, photographs and CD prima facie disclose that the lands of the plaintiffs are situated behind the land of the defendant and access to the same appears to be through the alleged cart track. The hand sketch indicates that the defendant's land abuts the main road and the plaintiffs' lands lie beyond it.

At this stage, there appears to be a prima facie case in favour of the plaintiffs. The balance of convenience also lies in favour of the plaintiffs, as denial of access would prevent them from cultivating and transporting agricultural produce. If the relief is not granted, the plaintiffs will suffer irreparable loss and hardship, which cannot be compensated in terms of money.

This Court is very much conscious that, granting of injunction after issuing the notice is a rule and granting of an ex parte injunction is an exception. However, upon perusal of the documents, the plaintiffs have made out the prima

facie case which is nothing but an arguable case at this stage. Therefore, I am inclined to grant the order of temporary injunction against the defendant. With these observations, I proceed to pass the following;

ORDER

The defendant, agents, servants or anybody acting on their behalf are hereby restrained from disturbing/obstructing with the peaceful use and enjoyment of the suit cart track by plaintiffs in any manner till next date of hearing.

Since ex parte injunction is granted, the plaintiff shall comply the following conditions as per Order XXXIX Rule 3 (a) of CPC.

The plaintiffs shall send

- 1) The copy of the interlocutory application along with affidavit to the defendant.
- 2) The copy of the plaint.
- 3) The copies of the documents on which the plaintiffs had relied to get this injunction.
- 4) Sl. No.1 to 3 documents shall be sent by registered post.

5) The plaintiffs shall file an affidavit to the office regarding the compliance of all the conditions from Sl. No.1 to 4 on this very same day or on the day immediately following this day.

Needless to say, non compliance of any of the aforesaid 5 conditions, the exparte injunction granted will be vacated.

Issue suit summons, TI order and notice on IA No.I to defendant if the PF and necessary copies are furnished and if aforementioned conditions are complied.

Call on 07.04.2026.

18.03.2026

Civil Judge & JMFC, Kittur