

**ORDER ON I.A No.I**

This is the application filed under Order 39 Rule 1 and 2 R/w sec. 151 of CPC seeking ad-interim ex-parte temporary injunction against defendants restraining them from causing obstruction to the plaintiff's peaceful possession and enjoyment over the suit property bearing TMC No.507B/594B measuring 3200 sq.ft., situated at Terdal till disposal of this suit.

2. Heard learned counsel for plaintiff and perused the plaint averments and documents on record. While considering an application under order 39 Rule 1 and 2 of CPC, the court needs to look into prima facie case, balance of convenience and irreparable loss and injury.
3. Plaintiff has filed this suit against defendants for permanent injunction. In the affidavit, plaintiff has stated that, he is the absolute owner of the suit property and the same is his ancestral property and he is developing the suit property. Defendant No.1 to 3 are trying to illegally enter into his property and are causing obstruction to his possession over the suit property. It is submitted that, he has not handed over or transferred the suit property to anybody. In spite of the same, defendants are causing obstruction to his development work in the suit property. Hence, he has filed this suit and application. It is submitted that, he has got prima facie case and balance of convenience lies in his favour. If the said application is allowed, no injury would be caused to the defendants. Hence, prayed to allow the application.
4. At this stage, plaintiff has made out prima facie case, balance of convenience lies in his favour. If ex-parte ad-interim temporary injunction is not granted, defendants may further cause obstruction to the plaintiff's possession over the suit property and this

would lead to multiplicity of proceedings. Irreparable loss, injury and hardship would be caused to the plaintiff, which cannot be compensated in terms of money. Hence, in the interest of justice, it is necessary to grant ad-interim temporary injunction order against defendants till next date of hearing. Hence, I proceed to pass the following:

ORDER

I.A No.1 filed by the plaintiff under Order 39 Rule 1 and 2 R/w sec. 151 of CPC is hereby allowed.

Defendants are hereby restrained from causing obstruction to the plaintiff's possession and enjoyment over the suit property bearing TMC No.507B/594B measuring 3200 sq.ft., situated at Terdal till next date of hearing.

Issue emergent notice of T.I. order passed on I.A No.1 and suit summons to defendants, if plaintiff comply order 39 Rule 3(a) of CPC.

Returnable by: 06.06.2023

Sd/-

Civil Judge & JMFC, Banahatti