

**IN THE COURT OF PRL. CIVIL JUDGE AND JMFC, ANEKAL.**

**28<sup>th</sup> day of October 2024**

**PRESENT:** Sri. Shankarareddy.D.V., L.L.B., PGD in IR & PM.,  
Prl. Civil Judge and JMFC, Anekal.

**OS.No. 588/2023**

**Plaintiff** : Sri. Ajith Kumar Singh,  
**V/s.**

**Defendant** : Sri. Ramachandra Reddy,

**IA No.I**

**Plaintiff/Opponent** : Sri. Ajith Kumar Singh,

**V/s.**

**Defendant/Applicant** : Sri. Ramachandra Reddy,

**\*\_\*\_\***

**ORDERS ON IA No.I**

The plaintiff has filed the present application U/o.XXXIX Rule 1 & 2 R/w Sec.151 of CPC seeking an interim order of temporary injunction restraining the defendant and his men from forcibly evicting/dispossessing the plaintiff from suit schedule property pending disposal of the suit.

**2.** In the affidavit annexed to the present application, plaintiff stated that defendant is the owner of the suit schedule property. Plaintiff inducted into suit property as a tenant in terms

of the lease agreement dated 02-09-2022. It is further stated that plaintiff is running salon in the name and style as **DE SALON**. Such being the case, in the last week of September 2023 defendant disturbed to the plaintiff's possession of suit property and demanded higher rent and additional amount as advance. It is further case of the plaintiff that the defendant threatened to the plaintiff as he will be dispossessed forcibly on failure of payment of higher rent. Hence, plaintiff constrained to file present suit for permanent injunction along with IA No.1 for aforesaid relief.

**3.** The defendant in his objection admitted that he is the owner of suit property and plaintiff inducted into suit property as monthly tenant in terms of lease agreement dated 02-09-2022 and he denied other averments of present application and contends that said lease agreement remain terminated on 02-08-2023 and he is not intending to continue the lease of plaintiff. Therefore, he also issued notice to the plaintiff to vacate the suit property. Thus, suit of the plaintiff and IA No.1 are devoid on merit. Accordingly, among these and other grounds defendant prayed to dismiss the present application.

4. Having heard both-side and on perusal of material available on record, the following points arise for consideration;

1. Whether the plaintiff has made out prima-facie case in his favour?
2. Whether the irreparable injury would be caused to the plaintiff, if present application is disallowed ?
3. Whether the balance of convenience lies infavour of plaintiff?
4. What order?

5. On appreciation material available on record, the above points are answered as under;

**POINT No.1 to 3** :- In the Affirmative,  
**POINT No.4** :- As per final order,  
for the following ;

### **REASONS**

**6. Point No.1**:- Admittedly, the plaintiff inducted into suit schedule property as monthly tenant and he is in possession of the same. In the circumstance, if the defendant is not intending to continue plaintiff's lease in respect of suit property, then plaintiff shall take the possession of the suit property through due process of law. Thus, the plaintiff's suit as well as IA No.1 are maintainable in view of the decision of Hon'ble Apex Court ie., **M/s Patil Exhibitors (Pvt) Ltd Vs The Corporation of the City of Bangalore – AIR 1986**

**KARNATAKA 194.** In the circumstance, it can be said that at this stage plaintiff made out prima-facie case for trial. In the result, point No.1 answered as Affirmative.

**7. Point No.2 & 3:-** To avoid repetition of facts, these two points are taken up together for consideration;

Even according to the defendant the plaintiff is in possession of suit schedule property as a tenant. Such being the case, he cannot be evicted/dispossessed forcibly or otherwise in view of the aforesaid decision of Hon'ble Supreme Court. Further, if present application is not allowed, then the defendant may evict the plaintiff from suit schedule property forcibly and same may cause irreparable injury to the plaintiff. In case, if plaintiff not paid rent regularly and if defendant not intends to continue the lease of the plaintiff, then the defendant may take the possession of the suit property by due process of the law and not otherwise. Therefore, this court of the view that balance of convenience also lies infavour of plaintiff. With this discussion, this court of the view that plaintiff is entitled the relief as sought for in the present application. Accordingly, point No.2 and 3 are answered in the Affirmative.

**8. Point No.4:** For the reasons assigned in point No.1 to 3, this court proceeds to pass the following:-

**ORDER**

IA No-1 filed by the plaintiff under Order XXXIX Rule 1 and 2 R/w Sec.151 of CPC is hereby allowed.

By granting temporary injunction, the defendant and his men are hereby restrained from forcibly evicting/dispossessing the plaintiff from suit schedule property pending disposal of the suit.

*(Directly dictated to steno, corrected, signed and pronounced by me in Open Court on this the 28<sup>th</sup> day of October 2024.)*

**(Sri. Shankarareddy D.V)  
Prl. Civil Judge & JMFC., Anekal**