

Heard arguments advanced by learned counsel for the plaintiff.

2. The plaintiff has filed suit against the defendant for the relief of Permanent Injunction.

3. Along with the plaint, the plaintiff has filed I.A.No.II under Order XXXIX Rule 1 and 2 R/w Section 151 of CPC seeking for an order of ex-parte ad-interim order of temporary injunction restraining the defendant, his servants, agents, coolies or anybody on behalf of him from not to cut and remove the eucalyptus tress and not to do any trench work in the suit schedule property till disposal of the suit.

4. Perused the plaint, affidavit averments and the documents produced by the plaintiff.

5. On going through I.A.No.II, affidavit filed in support of the application and the documents it appears that, the relief claimed in I.A.No.II is very urgent one and if the summons is issued to the defendant, the very purpose of injunction would be defeated by delay. The plaintiff has made out an arguable case. Hence, proceeds to pass the following:

ORDER

The defendant, his agents, servants, coolies or anybody on behalf of him are hereby restraining by ad interim order of temporary injunction from not to cut and remove the eucalyptus trees in the suit schedule property till next date of hearing.

The plaintiffs shall comply Order 39 Rule 3(a) of CPC.

Issue TI order, and I.A No.2 notice to the defendant.

Issue emergent notice on I.A No.1 and suit summons to the defendant through RPAD returnable by: 09-09-2020.

(Sri. Sandesha.K)
Prl.Civil Judge & JMFC.
Devanahalli.

