

18.03.2026
Pltf.: By Sri YVR Adv.
Orders on IA No.III

ORDER ON IA NO. III

This is a suit for mandatory Injunction.

I.A. III U/o 39 Rule 1 & 2 of CPC for grant of ad-interim injunction order restraining the defendant either by himself or through his henchmen, servants or anybody claiming under them from putting any construction on eastern side of the land bearing old Sy. No.134 New Sy. No.134/5, measuring 0.12 guntas and land bearing New Sy. No.134/8, measuring 0.11 guntas situated Mallasandra village, Kasaba Hobli, Hosakote Taluk, Bengaluru Rural district and common bounded by East: Property of defendant; West: Property of plaintiffs; North: Property of defendant and South: Land bearing Sy. No.134/9 belongs to plaintiffs. (Hereinafter referred to as **‘Plaint Schedule Properties’**, for brevity) till disposal of the suit.

Perused IA No.III affidavit and documents such as copy of sale deed dated 25.02.1994; copy of sale deed dated 01.04.2004; copy of RTC Extracts; copy of Acknowledgment; copy of Appeal No.504/2025; copy of Photographs. It

appears that, the husband of the plaintiff No.1 and father of the plaintiff No.2 to 5 namely M. K. Nanjappa had acquired the plaint schedule property under the registered sale deed dated 01.04.2004 and after his demise, the plaintiffs acquired the plaint schedule properties. It is the specific contention of the plaintiffs that the defendant without having any right, title or interest are trying to put up construction on the eastern side of the plaint schedule property. In view of above claim, I am of the opinion that, the plaintiffs got triable case at this stage. If an injunction is not granted before issuing notice, the defendant may put up construction on eastern side of the plaint schedule properties. In such circumstances, the plaintiffs will be put to irreparable loss and hardship and object of granting ad-interim temporary injunction will be defeated by delay and to avoid further complication and multiplicity of proceedings, notice is dispensed for the time being and I proceed to pass the following:

ORDER

Consequently, ex-parte ad-interim temporary injunction is granted against the

defendants restraining them from putting any construction on the eastern side of the plaint schedule properties till next date of hearing.

Issue ad-interim ex-parte temporary injunction order to the defendant after complying the provision of Order 39 Rule-3 of C.P.C.

Issue suit summons to the defendant and emergent notice on IA No.III to the defendant.

Returnable by:

**Prl. Civil Judge & JMFC.,
Hosakote.**