

ORDER ON IA NO. I

This is a suit for Permanent Injunction.

IA.I U/o. 39 Rule 1 & 2 R/w Sec.151 of CPC for grant of ad-interim injunction order restraining the defendants, their agents, henchmen, servants, GPA/SPA holders, through or under them from destroying/damaging the existing stone pillar barbered wire fencing of the 1st item of the plaint schedule property bearing old Sy. No.12/2 New Sy.No.12/3, measuring to an extent of 0.20 guntas situated at Moduru/Meduru Village, Nandagudi Hobli,

Hosakote Taluk, Bengaluru Rural District and bounded by East by: Land in sy.No.23/1; West by: Remaining land in Sy.No.12/2; North: Remaining land in Sy.No.12/21 and South by: Land in sy.No.11 and Sy.No.10 till disposal of the suit.

Perused IA No.I, affidavit and documents such as copy of RTC's extracts; certified copy of sale deed dated 20.11.2023; copy of Hudbust sketch; copy MR No.H23/2024-25; copy of acknowledgment; copy of death certificate of plaintiff husband; Copy of photographs and CD. It appears that, the husband of the plaintiff has acquired the plaint schedule properties under the registered sale deed dated 20.11.2023 and since, then he is in possession and enjoyment of the same. After his demise, the plaintiff succeeded the plaint schedule properties. It is the specific contention of the plaintiffs that the defendants without having any right, title or interest are trying to destroy and damage the existing stone pillar barbered wire fencing of the 1st item of the plaint schedule property. In view of above claim, I am of the opinion that, the plaintiff has got triable case at this stage. If an injunction is not granted before issuing notice, the defendants may destroy and damage the existing stone pillar barbered wire fencing of the 1st item of the plaint

schedule property. In such circumstances, the plaintiff 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 their agents, henchmen, servants, GPA/SPA holders, through or under them from destroying/damaging the existing stone pillar barbered wire fencing of the 1st item of plaint schedule till next date of hearing.

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

Issue suit summons to the defendants and emergent notice on IA No.I to the defendants.

Returnable by:

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

