

ORDERS ON AD-INTERIM PRAYER

The plaintiff has filed the present suit seeking the relief of permanent injunction against the defendant with respect to the suit schedule property.

2. Having heard the learned counsel for Plaintiff on ad-interim prayer, this Court has gone through and carefully perused the materials supplied by the plaintiff.

3. The plaintiff has contended that he is the owner, in possession, occupation, cultivation and enjoyment of the suit schedule property having acquired the same through inheritance vide MR.No.H6/2017-18. The suit property was acquired by his father. He is cultivating the suit property with paddy and fenced the same, the defendant who has got land towards eastern side of suit property and cultivated the same with coffee, areca and etc., he is trying to remove the fence of the suit property towards eastern side in order to form a channel for flow of water forcibly on 17.07.2024. Though the plaintiff had approached the jurisdictional police, but the police have not taken any action.

4. The revenue documents produced by the plaintiff would disclose that the suit property is in the name of plaintiff and the same is mutated from

the name of S.P.Manjegowda as inheritance. It is the specific case of plaintiff that the defendant who has got land towards eastern side of suit property is trying to form a channel in the suit property without the consent of plaintiff. Thus, on careful perusal of the documents supplied by the plaintiff in co-joint reading with the averments of plaint, IA and its affidavit, this Court is of view that there is a prima-facie case in favour of plaintiff and if the ad-interim TI as sought for in IA.No.1 is not granted, then the plaintiff will be put to irreparable injury. On the other hand, no injury will be caused to the defendant as the interim order is granted till next date of hearing and with respect to the suit property only. Hence, the following:

ORDER

Issue ad-interim order of temporary injunction as sought for in IA. No.I, till next date of hearing.

Plaintiff shall comply the mandates of order 39 Rule 3 of CPC.

Issue suit summons and emergent notice on I.A. No.I to the defendant. R/by: 02.09.2024.

SD/-
(Vishwanath.A)
Prl. Civil Judge & JMFC
Mudigere.