

ORDERS ON I.A.No.II

Perused I.A.No.II filed by the plaintiff under Order 39 Rule 1 and 2 of CPC wherein the plaintiff has sought for the ex-parte temporary injunction against the defendants, from interfering from Northern side of the suit schedule property and from encroachment over the suit schedule property.

2. The plaintiff has stated that plaintiff is the owner in peaceful possession, occupation and enjoyment of the schedule property and the said property has been purchased by the plaintiff through sale deed. Since then the plaintiff is in peaceful possession over the suit schedule property. Now the defendants without having any right over the suit schedule property have trying to interfere with the plaintiff peaceful possession over the suit schedule property.

3. The plaintiff has also produced photo copy of sale deed dt: 09.05.2008, RTC, Mutation register, photocopy of the survey skech and decree copy of OS 16/2017. At this stage it is prima-facie shows that the plaintiff is owner in peaceful possession over the suit schedule property and there is no the material placed on record and no reason is made out to disbelieve the assertion of the plaintiff regarding the interference and encroachment by the plaintiff. The issuance of notice will defeat the purpose of the suit as there is

immediate apprehension of interference of property. Thus to safeguard the pleaded interest of the plaintiff, the Court holds that the exparte T.I. order, as prayed in I.A.No. II is to be granted till next date of hearing. Hence, the following;

ORDER

The defendants, their men, agents and any person claiming right through them are hereby restraining from interfering from the Northern side of the suit schedule property and from encroaching over the suit schedule property till next date of hearing.

Issue exparte T.I. order, notice on I.A. No.II and suit summons to the defendants after compliance of Order 39 Rule 3 of CPC. Call on.22.01.2026.

Sd/-

**I/C Prl. Civil Judge & JMFC,
Mudigere.**