

ORDERS ON AD-INTERIM PRAYER

In the above suit which is filed for bare injunction with respect to suit schedule property, the plaintiff by asserting his possession over the suit schedule property by virtue of relinquishment and family partition, has contended that the suit property was sold by the father of defendant in favour of the grandmother of plaintiff, in the year 1981. Plaintiff has further contended that the defendant had questioned the sale of suit property on the ground of violation of PTCL Act, and succeeded before the Assistant Commissioner and Deputy Commissioner. Now, the orders of both the said authorities are stayed by the Hon'ble High Court in WP.No.22313/2024. This being the case, the defendant has tried to trespass into the suit property so as to pick the crop. On the above averments, the plaintiff has sought for exparte temporary injunction against the defendant not to obstruct or interfere which is possession over 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 documents produced by the plaintiff would at this juncture discloses that

the suit schedule property was sold by one Heddaiah in favour of Smt.B.L.Manjamma whom the plaintiff claims to be his grandmother. The said sale is in the year 1981 and it could be seen from the 'jubane hisse', that the said property was allotted to K.R.Umadatta and later the wife and daughter of said K.R.Umadatta have relinquished their right over suit property in favour of plaintiff. Revenue entries pertaining to the suit property which was in the name of K.R.Umadatta as per MR.No.29/1999-2000 is mutated to the name of plaintiff as per MR.No.H34/2014-15.

4. It could be also be seen that the defendant has succeeded in his contention that the sale of suit property was in violation of PTCL Act, before the revenue courts. The said orders passed by the revenue courts is stayed by the Hon'ble High Court in WP.No.22313/2024. As per the recital of sale deed dated 17.11.1981, the possession of suit property is handed over and though taking back of possession is ordered by the Assistant Commissioner, the said order is stayed. It is the specific contention of plaintiff that now the defendant is trying to trespass into the suit property so as to pick the crop. In this background and 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 if the ad-interim TI as sought for in IA.No.1 is not granted, the plaintiff will be put to irreparable injury. 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:12.02.2025.

Sd/-

(Vishwanath.A)

C/c Addl. Civil Judge & JMFC
Mudigere.