

ORDERS ON AD-INTERIM PRAYER

In the above suit which is filed for bare injunction with respect to suit schedule properties, the plaintiff by asserting his possession over the plaint schedule properties, along with his brother, by virtue of registered sale deed dated 06.01.2021 regarding suit item No.1 properties and registered agreement to sell dated 06.01.2021 regarding suit item No.2 properties, has contended that the defendants have attempted to trespass into the suit property by damaging the bared wire fence. The plaintiff has also sought for ex-parte temporary injunction against the defendants not to interfere with the plaintiff's possession over the suit properties.

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. Today, the plaintiff has further filed memo which certain documents.

3. The documents produced by the plaintiff would at this juncture disclose that the suit item No.1 properties are purchased by the plaintiff and one Angad Choudhry whom the plaintiff claims to be his brother, from M/s Sampigekhan Estate-2 which had purchased those properties through registered sale deed

dated 20.03.1995. It could also be seen that under the registered agreement to sell dated 06.01.2021, the possession of suit item No.2 properties are handed over to the plaintiff and his brother. The revenue entries pertaining to suit properties are in the joint name of plaintiff and his brother. It could also be seen that the defendant No.1 had filed a suit against M/s Geethanjali Estate, which as per the plaintiff is the name of suit schedule properties, alleging encroachment. However, the defendant No.1 did not pursue the said suit which resulted in its dismissal for non-prosecution. The specific contention of plaintiff is that the defendants who also got land in the survey numbers in which certain properties under plaint schedule are also situated, are trying to trespass into the suit properties by removing fence. Upon considering all the above materials, this Court is of view that if the ad-interim TI as sought for in IA.No.1 is not granted, then 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
defendants. R/by:15.03.2025.

Sd/-

(Vishwanath.A)
Prl. Civil Judge & JMFC
Mudigere.