

ORDERS ON AD-INTERIM PRAYER

The plaintiff has filed this suit seeking the relief of permanent injunction with respect to the suit schedule property which is the property totally measuring 111.48 sq. meters wherein there is house situated in an extent of 44.80 sq. meters in Sy.No.26 of Urubage Village and having got property No.150900400200100001.

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

3. The plaintiff has contended that she is the owner in possession, occupation and enjoyment of the suit schedule property having constructed a house therein. The occupation of said property is regularized by the Tahsildar, Mudigere and he has also issued grant certificate under 94C. In the remaining vacant portion of the suit property, the plaintiff has constructed a cattle shed on the southern side of her house wherein the plaintiff and her family members are residing. The defendants have got no manner of right, title or interest in the suit schedule property and also its vacant portion. This being the case, the defendants having taken advantage that the plaintiff has left some portion of suit property vacant, on 04.04.2024, they have tried to trespass into the suit property from the southern side and also tried to dig latrine pit.

4. The plaintiff has produced the original Hakkupathra dtd: 07.10.2023 which would shown that the occupation of plaintiff over the suit property is regularized and the Urubage Gramapanchyath has also registered E-katha in form No.9 and 11A in favour of plaintiff. The plaintiff has also produced tax paid receipt. These documents would prima-facie show the possession of plaintiff over the suit property. In this background, if the apprehension of the plaintiff with respect to trespass and obstruction in respect to the suit schedule property is considered in co-joint reading with the averments of plaint, IA and its affidavit, this Court is of view that if the ex-parte temporary injunction 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: 31.05.2024.

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