

ORDER ON IA NO: 1

Plaintiff has filed **IA No:1** U/o 39 rule 1 and 2 of CPC.

2. Heard and perused the **IA No:1** in the backdrop of materials made available.

3. This is the suit filed for the relief of permanent injunction to restrain the defendants and their agents or anybody claiming on their behalf from interfering with the plaintiff's peaceful possession and enjoyment over the suit schedule property.

4. In the affidavit accompanied to the application the plaintiff has stated that she is the owner of the suit schedule property bearing Sy.No.152/3, measuring 1 acre 10 guntas, situated at Kundur Village, Banakal Hobli, Mudigere Taluk and she has purchased the same. Since the date of purchase, she is in peaceful possession and enjoyment over the same as an absolute owner. On 14.04.2024, the defendants tried to trespass into the suit schedule property from its western side. Upon questioning the same, they picked up quarrel and tried to laid the bund. Even though plaintiff complained to the police as well as the elders of the village, same is went in vain. Hence, it is incumbent to plaintiff to file the present suit to resist the illegal acts of the defendants. Hence, prayed for grant ad-interim temporary injunction as sought in the application.

5. Plaintiff in order to made out prima-facie of case, produced the RTC extract which

depict that the suit schedule property is in the name of the plaintiff in the present year. Plaintiff also produced the mutation register No.4/2008-09, which depict that the name of the plaintiff has been mutated with respect to suit property on the basis of the sale deed. Further, the plaintiff also produced the photos and compact disc. Aforesaid documents are clearly established that the plaintiff is in possession of the suit schedule property. Hence, this is a prima-facie evident from the documents placed before this court.

6. The apprehension of the plaintiff has ventilated in the affidavit is that the defendants are trying to encroach the suit schedule property from its western side of the same. This is a suit for the relief of permanent injunction. If an order of restraining the defendants from trespassing into the suit schedule property from its western side is granted, it would not results hardship to the defendants. On the other hand, it would the avoid multiplicity of proceedings. More so, if the interim relief is declined, it would nullify of the very object behind the suit. In this view of matter, this court find substance in grievance of plaintiff. Thus, the notice is dispensed and proceed to pass following:

ORDER

T.I. sought under **I.A.No:1** is hereby granted till next date of hearing.

The defendants and their agents or anybody claiming on their behalf are hereby restrained from encroaching the suit

schedule property from its western side till next date of hearing.

Sd/-

P.C.J & JMFC, Mudigere.

Plaintiff shall comply order as U/o 39 rule 3 of C.P.C postulates. Issue suit summons and notice on ad-interim order to defendants with indicates to filed written statement within 30 days reckoned from the date of service of suit summons. Returnable by 03.06.2024.

Sd/-

P.C.J & JMFC, Mudigere.