

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 the suit schedule property bearing Sy.No.130/1, measuring 1 acre 12 guntas, situated at Kundur village, Mudigere Taluk, has been granted to her and the khatha has been mutated in her name as per MR.No.26/2001-02. Therefore, she is the absolute owner in possession of the suit schedule property. When such being the case, on 14.04.2024, the defendants tried to trespass into the suit schedule property. 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.T102/2014-15, which depict that the name of the plaintiff has been mutated with respect to suit shcedule property. 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. This is a suit for the relief of permanent injunction. If an order of restraining the defendants from trespassing into the suit schedule property 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 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.