

ORDERS ON IA.No.I

The plaintiff has filed I.A.No.I U/o.XXXIX rules 1 & 2 of CPC to restrain the defendants their agents, servants or any other persons claiming through him from trespassing, encroaching upon suit schedule property and trying to construct compound wall in suit schedule property or causing interference to the peaceful possession and enjoyment of schedule property by the plaintiff pending disposal of suit.

The application is supported with the affidavit of the plaintiff duly sworn and stated that the plaintiff is the owner and in possession of property. To show his ownership produced hakku pathra discloses the plaintiff is the owner. It is submitted defendants have got no manner of right, title or interest in or over the schedule property is trying to put up compound wall. In the event, if the defendant is not restrained from constructing compound wall, the very purpose of suit would be defeated. If the T.I. is not granted, it will be difficult for the plaintiff to restrain the defendant. The main object of granting T.I is to preserve the subject matter intact till the conclusion of the trial. Hence, I am of the opinion that at this stage plaintiff has made out grounds for grant of exparte injunction. Therefore, I proceed to pass the following:

ORDER

Issue ex parte order of interim temporary injunction against the defendants, restraining from constructing any compound wall in suit schedule property till next day of hearing.

The plaintiff shall comply Order XXXIX rule 3 of CPC.

Issue certified copy order of T.I. after the compliance U/o.XXXIX rule 3 CPC by plaintiff.

Issue suit summons and e/n on I.A.No.I to the defendants returnable by: **22.10.2021.**

sd/-

(J.Krishna)

**C/c. Addl. Civil Judge & JMFC.,
Mudigere.**