

ORDERS ON AD-INTERIM PRAYER

The plaintiff has filed the above suit seeking for a decree of bare injunction restraining the defendants from encroaching upon or from dispossessing the plaintiff from the suit schedule property and not to interfere with the plaintiff's possession, occupation and cultivation over the suit schedule property.

2. The plaintiff's case is that she and her children are in possession of the suit schedule property having acquired the same under the compromise decree in RA No.13/2021 on the file of Hon'ble Senior Civil Judge, Mudigere. Ever since then they are in possession of the suit property by cultivating the same with coffee, pepper and silver etc. The plaintiff is looking after the suit property on behalf of her children. This being the case, the defendant No.2 and 3 on an instigation of defendant No.1 are trying to encroach upon the suit property and made such attempt on 01.06.2025. The defendant No.2 and 3 have also tried to put up a new fence towards southern side of the suit property. On the above averments, the plaintiff having maintained the suit has also sought for ad-interim temporary injunction.

3. 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.

4. The plaintiff has produced the copies of RTC, mutation extract, sketch and the certified copy of compromise petition accepted in RA.13/2021 on the file of Hon'ble Senior Civil Judge, Mudigere which has passed compromise decree. These documents at this juncture supports the contentions of plaintiff with respect to the possession and cultivation of the suit property. The plaintiff has contended that the defendants are obstructing her possession over the suit property by trying to trespass into the same and to erect new fence towards southern side. On considering all the above aspects and also the specific apprehension of the plaintiff, this Court at this stage is of view that if the ex-parte temporary injunction as sought for is not granted, then the plaintiff will be put at injury which cannot be compensated in terms of money. 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:24.07.2025.

Sd/-

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