

ORDERS ON AD-INTERIM PRAYER

The plaintiffs have filed the present suit seeking the relief of permanent injunction restraining the defendant from causing obstruction to the plaintiffs usage of suit 'B' schedule road which reaches the suit 'A' schedule property or in anyway interfering with the plaintiffs peaceful possession, occupation and enjoyment of the suit 'A' schedule property.

2. The plaintiffs have also filed I.A. No.I under Order 39 rule 1 & 2 of Code of Civil procedure seeking interim order of temporary injunction restraining the defendant. Learned counsel for plaintiffs seek for ad-interim temporary injunction against the defendant restraining her from causing obstruction to suit 'B' schedule road and interfering with the suit 'A' schedule property.

3. Heard the learned counsel for Plaintiffs and also perused the materials on record.

4. The plaintiffs have contended that they are the owners in occupation, possession and enjoyment of the suit 'A' schedule property i.e., the land to an extent of 37 guntas in Sy.No.52/19 of Javali Village, Baluru Hobli. In order to reach the suit 'A' schedule property there is a 12 feet road which deviates from Javali-Malemane road and runs towards southern side of the suit 'A' schedule property. The said road is described under suit 'B' schedule and the same is used by the plaintiffs and their

predecessors from time immemorial, peacefully, continuously and uninterruptedly without obstruction from any person. The plaintiff No.1 is suffering from paralysis and she is not in position to walk. This being the case, the defendant having jealousy towards the plaintiffs, is obstructing the usage of 'B' schedule road and also to repair the same.

5. Plaintiffs have produced RTC, Mutation register extract and other revenue documents with respect to the suit 'A' schedule property which stands in the name of plaintiff No.1. The specific case of the plaintiffs is that the defendant is causing obstruction to the plaintiffs from using the suit 'B' schedule road in order to reach their home. This being the case, this Court at this juncture is of view that if the ex-parte temporary injunction is not granted then the plaintiffs will be put to irreparable injury which cannot be compensated in terms of money. Further no hardship will be caused to the other side as the defendant has got all opportunities to place her defense to prove otherwise of the plaintiffs case. Hence, the following:

ORDER

Ad-interim order of temporary injunction is hereby granted restraining the defendant, her men or anybody claiming under her from causing obstruction to the plaintiffs usage of suit 'B' schedule road which is stated to reach the suit 'A' schedule property or in anyway interfering with the plaintiffs peaceful possession, occupation and

enjoyment of the suit 'A' schedule property, till next date of hearing.

Plaintiffs shall comply mandates of order 39 Rule 3 of CPC.

Issue suit summons and emergent notice on I.A. No.I to the defendant, r/by: 03.11.2023.

Sd/-

(VISHWANATH A.)
Addl. Civil Judge & JMFC,
MUDIGERE.