

Heard Kum. H.S., Advocate for plaintiff on IA No.I.

2. Perused the plaint averments and averments made in the IA No.I. The plaintiff has filed the suit against the defendants for declaration that plaintiff is the absolute owner of plaint 'A' schedule property and possession of plaint 'B' schedule property. Plaintiff also prayed permanent injunction restraining the defendant or anybody claiming under them from trespass into the plaint 'A' schedule property.

3. The plaintiff also filed IA No. I for grant ad-interim exparte temporary injunction in favour of plaintiff and against the defendants restraining the defendants, from trespassing into the application 'A' schedule properties or making any construction over the application 'A' schedule property or interfering to the possession of the plaintiff over 'A' schedule properties excluding the plaint 'B' schedule property pending disposal of the suit.

4. On the basis of the documents filed along with the plaint, I am of the opinion that ordering notice to the

defendants would delay proceedings and results in the suit become infructuous in the event of defendants trespass and put up construction over the plaint 'A' schedule property which will also lead to multiplicity of proceedings. Hence preserving the said property in the same state is necessary otherwise the plaintiff will be put to untold hardship. Hence, I proceed to pass the following.

ORDER

Issue ad-interim exparte order of temporary injunction, restraining defendants or any other persons claiming under them from trespassing or put up construction into the plaint 'A' schedule property (i.e., excluding the plaint 'B' schedule property) till next date of hearing.

Issue emergent notice on this I.A. along with suit summons to the defendants after proper compliance by the Plaintiff under order 39 Rule 3(a) of CPC. Call on 21/12/2023.

Senior Civil Judge & JMFC.,
Mudigere.

