

AD-INTERIM ORDER ON I.A No.1

1. Plaintiff has filed this suit praying for the relief of permanent prohibitory injunction against the Defendant, in respect of the suit schedule property which is described as a landed property to the extent of 32 guntas in Sy.No.2/4 of Yedadalli Village, Sringeri Taluk.

2. I.A No.1 has been filed under Order XXXIX Rules 1 & 2 r/w Section 151 of CPC praying for an order of temporary injunction against the Opponent/ Defendant restraining her, her representatives, coolies or anyone claiming under her from unlawfully trespassing into the suit schedule property and thereby interfering with his possession over the suit schedule property or from forcefully setting up any fence. Prayer is also made to grant an order of ad-interim ex-parte order of temporary injunction. The said application is accompanied with the affidavit sworn to by the Applicant/ Plaintiff detailing reasons supporting his prayer.

3. The grievance of the Applicant/ Plaintiff, in short, is that the suit schedule property fell to his share as per registered family partition deed dated 17.01.1996 and ever since that date, he is peacefully enjoying the same being in its absolute ownership and possession. The mutation has been effected in his name, he is paying timely revenue to the Government and no one apart from him has any right, title or interest over the suit schedule property. In these state of affairs, the Defendant having purchased the property in the extent of 21 guntas situated towards the western side of the suit schedule property in Sy.No.2/2 as per registered sale deed dated 03.10.2022 from one Parfulla, has been

unnecessarily interfering with the possession of the Plaintiff over the suit schedule property and has also brought suit in O.S No.41/2022 before this Court as well as a criminal case is also registered through her husband, the trial of which is pending in this Court. On 15.08.2024, in the morning hours, the Defendant along with her men have tried to set-up a fence by unlawfully trespassing into the suit schedule property which was resisted by the Plaintiff with much difficulty. Despite recent resistance by the Plaintiff, the Defendant has threatened to continue these unlawful acts.

4. Perused the plaint, application in I.A No.1 with affidavit and the documents produced. Heard the Learned Counsel appearing for the Applicant/ Plaintiff.

5. On perusal of the entire materials placed before this Court, this Court finds considerable force in the submissions made by the Learned Counsel.

6. In such view of the matter, it would be appropriate to restrain the Opponent/ Defendant from unlawfully trespassing into the suit schedule property thereby causing interference with the possession of the Plaintiff over the suit schedule property by way of ad-interim ex-parte order of temporary injunction.

7. In view of the above it is found that the Applicant/ Plaintiff has made out a prima-facie case and balance of convenience is in favour of the Applicant/ Plaintiff and if an interim injunction is not granted the Applicant/ Plaintiff would be put to irreparable injury and hardship. Moreover, at this stage it appears that the denial of the said relief would be highly prejudicial to the interest of the Applicant/ Plaintiff and the suit itself would be rendered infructuous. Hence, the following -

ORDER

The Opponent/ Defendant is hereby restrained from unlawfully trespassing or causing interference with the possession of the Applicant/ Plaintiff over the suit schedule property, by this ad-interim ex-parte order of temporary injunction.

The order is valid only till the next date of hearing.

Applicant/ Plaintiff shall comply with Order XXXIX Rule 3 of CPC.

Issue suit summons and notice on I.A No.1 to the Opponent/Defendant.

R/by : 31-08-2024.

Sd/-

C.J & J.M.F.C: Sringeri