

IN THE COURT OF THE CIVIL JUDGE AND ADDL. J.M.F.C AT TARIKERE

O.S.No.91/2025

PLAINTIFFS

Sri. Siddappa.Y.N and others

vs.

DEFENDANTS

Sri. Nagaraja.Y.G and others

Date: 27.02.2024

Proceedings or Orders of the Judicial Officer

AD-INTERIM ORDER ON I.A No.I

Plaintiffs have filed this suit praying for the relief of permanent prohibitory injunction against the Defendants, in respect of the suit schedule properties.

I.A No.I has been filed under Order XXXIX Rules 1 & 2 r/w. Sec.151 of CPC praying for an order of temporary injunction against the Opponents/ Defendants restraining them from unlawfully trespassing over the suit schedule properties and causing interference with their peaceful possession and enjoyment of the schedule properties. 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 Applicants/ Plaintiffs detailing reasons supporting their prayer.

The grievance of the Applicants/ Plaintiffs, in short is that, the suit schedule properties originally belonged to their ancestors and has remained in the ownership and possession of their family members. Except the Plaintiffs no one else has any right, title or interest over the suit schedule properties. In these state of affairs, the Defendants have recently trespassed into the suit schedule properties and thereby caused unlawful interference to their peaceful possession and enjoyment of the same. There is also threat of

future interference by the Defendants necessitating the Plaintiffs in filing this suit.

Perused the plaint, application in I.A No.I with affidavits and the documents produced. Heard the Learned Counsel appearing for the Applicants/ Plaintiffs.

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

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

In view of the above it is found that the Applicants/ Plaintiffs have made out a prima-facie case and balance of convenience is in favour of the Applicants/ Plaintiffs and if an interim injunction is not granted the Applicants/ Plaintiffs 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 Applicants/ Plaintiffs and the suit itself would be rendered infructuous. Hence, the following –

ORDER

The Opponents/ Defendants are hereby restrained from unlawfully trespassing into the suit schedule properties thereby causing interference with the possession of the Plaintiffs over the suit schedule properties, by this ad-interim ex-parte order of temporary injunction.

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

Applicants/ Plaintiffs shall comply with Order XXXIX Rule 3 of CPC.

Issue suit summons and notice on I.A No.I
to the Opponents/ Defendants.

R/by: 25.03.2025

sd/-

Civil Judge & Addl. J.M.F.C,
Tarikere