

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

**O.S.No.279/2025**

**PLAINTIFF**  
Sri. H.S. Shivalingappa

**vs.**

**DEFENDANTS**  
Sri. Ambarisha.H.M

**Date: 10.07.2025**

**Proceedings or Orders of the Judicial Officer**

Case called out.  
Heard Learned Counsel for Plaintiff.  
For order. Kept by:

**sd/-**

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

**AD-INTERIM ORDER ON I.A No.I**

Plaintiff has filed this suit praying for the relief of declaration and permanent prohibitory injunction against the Defendant, in respect of the suit schedule property.

I.A No.I has been filed under Order XXXIX Rules 1 & 2 of CPC praying for an order of temporary injunction against the Opponent/ Defendant restraining him, his workers, workers, representatives, supporters, or any other persons, from unlawfully trespassing and interfering with the peaceful possession and enjoyment of the Plaintiff over the schedule property. 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.

The grievance of the Applicant/ Plaintiff, in short is that, he is the absolute owner of the suit schedule property and had purchased the same from one Sri. Kallappa under registered sale deed pertaining to the year 1975 and has been regularly

paying taxes to the said property. In these state of affairs, the Defendant with an ill motive has started unlawful interfering with the possession and enjoyment of the Plaintiff over the suit schedule property, which has necessitated the Plaintiff in filing the present suit seeking the relief of permanent prohibitory injunction.

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

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 Opponent/ Defendant from unlawfully trespassing and interfering with the peaceful possession and enjoyment of the Plaintiff over the schedule property by way of ad-interim ex-parte order of temporary injunction.

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 and interfering with the peaceful possession and enjoyment of the Plaintiff over the schedule property, by this ad-interim ex-parte order of temporary injunction.

The order is valid till the date of filing of written statement by the Defendant.

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: 04.09.2025.

sd/-  
Civil Judge & Addl. J.M.F.C,  
Tarikere  
(Itinerate at Ajjampura)