

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

**O.S.No.267/2025**

**PLAINTIFFS**

**vs.**

**DEFENDANTS**

Sri. D.T. Krishnamurthy and another

Sri. D.T. Dinakar and others

**Date: 02.07.2025**

**Proceedings or Orders of the Judicial Officer**

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

**sd/-**  
Civil Judge & Addl. J.M.F.C,  
Tarikere

**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. Section 151 of CPC praying for an order of temporary injunction against the Opponents/ Defendants restraining them, their fellowmen, agents or any other persons, on their behalf from interfering, trespassing or causing obstruction over the Plaintiffs' peaceful possession and enjoyment over the suit 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 Applicant/ Plaintiff No.1 detailing reasons supporting his prayer.

The grievance of the Applicants/ Plaintiffs, in short is that, the Plaintiffs are the absolute owners who are in possession and enjoyment of the suit schedule properties along with their minor children. The suit schedule properties having come

to them under a registered gift deeds pertaining to the year 2023 executed by P.R. Lalithamma. The said properties were her self-acquired properties and hence the Defendants though are family members have no right to question the same. Despite which, the Defendants are now trying to interfere with the possession and enjoyment of the suit schedule properties by the Plaintiffs, which has necessitated the Plaintiffs in filing the present suit seeking the relief of permanent prohibitory injunction.

Perused the plaint, application in I.A No.I 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 Opponents/ Defendants from trespassing, interfering or causing obstructing with the peaceful possession and enjoyment 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 has 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 trespassing, interfering or causing obstruction with the peaceful possession and

enjoyment of the Plaintiffs over the suit schedule properties, by this ad-interim ex-parte order of temporary injunction.

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

Applicant/ Plaintiff 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: 05.08.2025.

sd/-

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