

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

**O.S.No.269/2025**

**PLAINTIFFS**

Smt. Nagamma and others

**vs.**

**DEFENDANT**

Sri. K.P. Gangadharappa

**Date: 05.07.2025**

**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 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 representatives, agents or any other persons, from interfering and trespassing with the peaceful possession and enjoyment of 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 No.2 detailing reasons supporting his prayer.

The grievance of the Applicants/ Plaintiffs, in short is that, the suit schedule property is the ancestral property Plaintiffs and has come to them jointly through inheritance. They are in possession and enjoyment of the suit schedule property and are paying necessary taxes. Despite which, the Defendant is now trying to interfere with the possession and enjoyment of the suit schedule property by the Plaintiffs, 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.I with affidavit 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 Opponent/ Defendant from interfering with the peaceful possession and enjoyment of the Plaintiff over the suit schedule property 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 Opponent/ Defendant is hereby restrained from interfering or trespassing with the peaceful possession and enjoyment of the Plaintiffs' over the suit 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 Defendants.

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

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

R/by: 14.08.2025.

sd/-

Civil Judge & Addl. J.M.F.C,  
Tarikere  
Itinerate at Ajjampura