

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

O.S.No.528/2025

PLAINTIFFS

Smt. Pappi Bai and others

vs.

DEFENDANT

The Chandranaika and others

Date: 16.12.2025

Proceedings or Orders of the Judicial Officer

Case called out.

Heard learned counsel for Plaintiffs on I.A.No.I and III.

For orders kept by:

ORDER ON I.A.NO.I

Applicants/ Plaintiffs have filed I.A.No.I U/Section 289 of The Karnataka Panchayath Raj Act with the prayer to dispense with the issuance of statutory notice to Defendant No.2 to 4. Heard and perused the said application and the affidavit appended to it.

The reasons ventilated in the affidavit appears to be bonafide and clearly makes out a case of urgency for the purpose of dispensing the statutory notice period. Therefore, I am of the opinion that if notice period is not dispensed with, the very purpose of filing of the suit would be defeated. Hence, the following:

ORDER

I.A.No.I filed U/Section 289 of The Karnataka Panchayath Raj Act by the Applicants/ Plaintiffs is hereby allowed.

Statutory notice period is hereby dispensed with.

sd/-

P.C.J and JMFC: Tarikere.

AD-INTERIM ORDER ON I.A No.III

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

I.A No.III has been filed under Order XXXIX Rules 1 & 2 of CPC praying for an order of temporary injunction against the Opponents/ Defendants restraining them, their agents, official subordinates and representatives etc., from interfering or trespassing 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.2 detailing reasons supporting his prayer.

The grievance of the Applicants/ Plaintiffs, in short is that, the Plaintiff No.1 to 4 are the legal heirs of Shankaranaika, who owned the property. The Plaintiffs and their ancestors have been in possession of suit schedule property since 60 years. The Defendant No.1, who owns land adjacent to the suit schedule property has been causing unlawful interference to the possession and enjoyment of the suit schedule property by the Plaintiff, which has necessitated the Plaintiffs in filing the present suit seeking the relief of declaration and 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. Learned Counsel for Plaintiffs during the course of arguments, submits that he would restrict his prayer in the application only in respect of Defendant No.1, who is a private party. Perused the case records and it appears that Defendant No.2 to 4 have only been made as formal parties to this suit without there being any relief against them and hence, Plaintiffs are permitted to restrict

their prayer on the present application only in respect of Defendant No.1, which also removes the statutory bar for considering this application, ex-parte.

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 No.1 from interfering or trespassing 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 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 No.1 is hereby restrained from trespassing or interfering 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.

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

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

R/by:

sd/-

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