

ORDERS ON IA No-I

The plaintiff has filed this suit against the defendant for the relief of Mandatory and permanent injunction in respect of suit schedule properties.

2. The plaintiff has also maintained an application U/o 39 Rule 1 and 2 R/w Sec.151 of CPC, seeking for grant an order of exparte ad-interim temporary injunction restraining the defendant and his agents, relatives, supporters, henchmen, contractors, labours or anybody claiming under them from putting up of any construction over the suit schedule properties until pending disposal of the suit.

3. In support of her case, the plaintiff has produced copy of the family gift deeds, rectification deed, E-Khata extract, photograph, CD to prove her prima-facie case.

4. This court has perused the plaint pleadings and its enclosed documents and also the averments stated in the affidavit accompanying to the application. In the affidavit it is stated that, the defendant is making hectic attempts to put up construction in the suit schedule properties. On perusal of the documents accompanying to the plaint and reasons assigned in the affidavit, at the stage

it appears that there is a apprehension to the plaintiff regarding the interference of the defendant over the suit schedule properties. If the exparte TI order is not granted the very purpose of filing the suit will be defeated. Hence, issuance of notice to the defendant before passing the exparte TI order is dispensed. Under these circumstances, I am of the opinion that, at this stage the plaintiff has made out a case to grant an exparte interim order against the defendant. Hence, this court pass the following:

ORDER

Issue exparte ad-interim temporary injunction restraining the defendant and his agents, relatives, supporters, henchmen, contractors, labours or anybody claiming under him from putting up of any construction over the suit schedule properties until next date of hearing.

The plaintiff comply Order 39 Rule 3(a) of CPC.

Issue TI Order after compliance.

Further plaintiff has to pay process within 7 days from the date of this order, failing which the order passed today stands vacated automatically.

Issue suit summons and TI
notice on IA No-I to the defendant.

R/by: 20.02.2025.

Prl. C. J & JMFC.,
Honnali