

ORDER

The plaintiff has filed this suit against the defendant for the relief of permanent injunction and also filed an IA 1 under order 39 rule 1 and 2 r/w section 151 of C.P.C. prays that to grant ad-interim ex-parte temporary injunction by restraining him and his agents, men, supporters and etc from interfering the plaintiff's peaceful possession and enjoyment of the suit schedule property by allowing this application till disposal of the case in the ends of justice.

2. In support of this application plaintiff has swearing his affidavit submitted that grass hut house and vacant site bearing Khata No.107, Property No.91 measuring 12 x 25 feet situated at Sevalal Nagara(Thimlapura) village, Honnali Taluk. Further plaintiff has submitted that since so many years he is in peaceful possession and enjoyment the suit schedule property and land tax assessment and demand register extracts are stands in his name. Further plaintiff has submitted that the defendant has no manner of right, title or interest over the suit schedule property, on 19-06-2017 when himself and his family members are cleaning the front side house in the suit schedule property, at that time the defendant tried to interfere in his suit schedule property and tried to dispossess him from the suit property. Further

plaintiff has submitted that the plaintiff with the help of neighbourers resisted the illegal act of the defendant, while the defendant has return back and openly shouted that he will come again with more men and disposes him from the suit property, thereafter the plaintiff has lodged the complaint before the Honnali police and the police have advise him that to approach civil court for proper remedy. Further plaintiff has submitted that the defendant is powerful and influential person and plaintiff is unable resist the illegal act of the defendant. Further plaintiff has submitted that he has made out a prima facie case and balance of convenience lies in his favour, if injuction is not granted he will put irreparable loss. Hence the plaintiff has prays that to allow the application.

3. In view of the application and contents of affidavit and also observing the arguments of the learned counsel for plaintiff and perusal of the documents it reveals that the DCB register and land tax assessment list are stands in the name of plaintiff and further plaintiff has produced two tax paid receipts, photograph and acknowledgment issued by the Honnali police. It is pertaining to note that the land

assessment tax paid receipt stands in the name of plaintiff and DCB register also stands in the name of plaintiff.

4. The learned counsel for plaintiff during the course of argument submitted that the property stands in the name of plaintiff and plaintiff is paying the tax to the concerned authority, this itself shown that plaintiff is in possession of the property.

5. In view of the pleadings and documents and also observing the arguments advanced by the learned counsel for plaintiff it appears that the suit schedule property stands in the name of plaintiff, in the panchayath records and more over the plaintiff has produced the photograph and tax paid receipts prima facie clearly goes to show that plaintiff is in possession of the suit property. The apprehension of the plaintiff that the defendant is trying to dispossess him from the suit schedule property, therefore it reveals that the plaintiff has a prima facie satisfied by producing the documents and the plaintiff has satisfied the balance of convenience lies in his favour, if the defendant is not restrain plaintiff will put irreparable loss and the said loss will not be compensated in terms of money. Hence till appearance of defendant if defendant is restrained by granting temporary

injunction, no hardship will cause to the other side. Hence I proceed to pass the following:

ORDER

The temporary injunction is granted against the defendant till his appearance.

The plaintiff is hereby directed to comply the order 39 rule 3 of CPC accordingly.

Issue suit summons and temporary injunction order to defendant.

Principal Civil Judge and JMFC.,
Honnali.

