

Heard on IA No.I and II. Perused the plaint. Annexure the affidavit and documents filed there in.

The present suit filed by the plaintiff against the defendants for relief of permanent injunction. With respect to suit schedule property. Along with the suit plaintiffs have also filed IA No.II U/O XXXIX Rule 1 and 2 of C.P.C., for the relief of temporary injunction restraining the defendant from interfering with construction work done by the plaintiff in the schedule property till disposal of the suit. In support of IA No.II, the plaintiffs have filed affidavit and documents pertaining to suit property. In affidavit the plaintiffs have contended that, the suit schedule property was residential house originally belong to late Karigowdru Manjappa and after his death, the property documents were transferred in the name of plaintiff No.1. Since, the plaintiffs were residing in the said house, since the said house was 80 years old and damage due to rainfall plaintiffs started construction new house after obtaining constructions license from Gram Panchayath, Asagodu, Jagalur taluk. It is further contended that, on 12.08.2023, the Defendant No.1 and 2 tried to interfered with plaintiffs construction work carried over the suit schedule property and abused in filthy language, man handled and assaulted them, with this regard they have lodged the complaint before Bilichodu P.S. against Defendant No.1 to 3.

inspite of the same, the Defendants are continuously interfering with the construction work by harassing the plaintiffs and their workers. Hence, the plaintiffs constrained to file this suit.

Perused, the contents of affidavit the documents produced the Katha extract, copy of construction license, copy of complaint, copy of Tax paid receipt, copy of Bills, Photographs of suit schedule property. At the stage the plaintiffs have made out prima-fecie case against the Defendants, if ex-parte temporary injunction order against Defendants not issued, the plaintiffs will be put to much loss and hardship and very purpose of filing of suit will be defeated and further it would lead to multiplicity of proceedings. Therefore, this Court is in opinion that, the plaintiffs have made out the case dispense the issuance of prior notice to the defendants. Hence, I proceed to pass the following :

ORDER

I.A.No.I U/O XXXIX Rule 3 of CPC is allowed.

Notice dispensed.

The defendants are temporarily restrained disturbing from the peaceful possession the plaintiff over the suit schedule property in any manner, till next date of hearing.

The plaintiff shall comply Order XXXIX Rule 3(a) and (b) CPC.

Issue temporary injunction notice on I.A.No.II and issue summons to the defendants.

The office is directed to issue certified copy of this order only after compliance of Order XXXIX Rule 3(a) and (b) of C.P.C and payment of sufficient process fee, copy of the plaint and documents, I.A.II, R/by.26.10.2023.

Sd

Civil Judge & J.M.F.C., Jagalur.