

24.5.2022

For order

R.A.No.27/2022

Heard, Counsel Sri. S.S.N., on behalf of appellant, preferred this appeal, on the aggrieved by the judgment and decree passed by Prl.Civil Judge and JMFC Hubballi in O.S.No.212/2010 by its order dated 22.02.2022.

In this case, appellant prayed for Ex-parte order stating that stay the operation of execution of judgment and decree passed in O.S.No.212/2010 dated 22.02.2022 till final disposal of this appeal.

Perused the appeal memo averments and affidavit filed in support of I.A. No.I. In the affidavit it is submitted that the respondent taking undue advantage of the order under appeal may cause interference and obstruction in the peaceful possession and enjoyment of the suit property.

The trial court judgment discloses that the plaintiffs filed this suit for the relief of declaration, to declare lease deed and rectification deed executed by the defendant No.1, in favour of defendant No.2 and 3 are

void and for consequential relief of injunction to restrain the defendant No.1 to 3 from demolishing the structure in the suit schedule properties and for mandatory injunction to demolish illegal construction if any made in the suit properties of the trust, by defendant No.1 to 3. As per judgment, the suit of the plaintiff's is decreed in part. It is declared that the lease and rectification deeds, executed by 1st defendant in favour of defendant No.2 and 3 are void . The defendants, their men, agents , anybody claiming under or through them are restrained from constructing new construction in the suit properties without prior sanction of new trustees. Looking to the facts and circumstances of the case, at this juncture, appellant not made out prima-facie case to grant the exparte injunction. Hence, this Court issued emergent notice to the respondents.

Issue suit summons and emergent notice of I.A.I, to the respondents, if PF paid. Returnable by: 25.05.2022.

(Smt. P.R. Patil)
III Addl. Senior Civil Judge
& JMFC., Hubballi.