

ORDERS

The present suit is filed by the plaintiff seeking for a decree of perpetual injunction restraining defendant from interfering in the plaintiff's peaceful possession over suit property. It is the case of plaintiff that the suit property bearing Survey No.424/1 measuring 1 acre 23 gunta situated at Shalawadi village stands in the name of plaintiff and that the defendant is the owner of land located towards southern side of the suit property. The possession of plaintiff is interfered by defendant on 15.04.2023 and 25.06.2023. As such the plaintiff before this Court seeking for the relief as mentioned above.

2. Having heard learned counsel for plaintiff and on perusal of pleadings and documents produced with the plaint, it is noticed that the RTC relating to suit property also stands in the name of plaintiff along with his family members. The acknowledgment dated 16.04.2023 issued by SHO of Navalgund Police Station indicates that the defendant allegedly made an attempt to interfere in the possession of plaintiff on the suit property. The documents mentioned above prima facie establish the right of the plaintiff over suit property. If the order of temporary injunction is not granted then the very purpose of filing of this suit will be frustrated. Hence, the delay that may occur for effecting service of notice may frustrate the suit and may result in multiplicity of proceedings. As such, this Court deems it appropriate to grant an order of temporary injunction as prayed for. Accordingly, I proceed to pass the following;

ORDER

An ad interim exparte order of temporary injunction is granted.

The defendant is restrained by an order of temporary injunction from interference in the possession of plaintiff over suit property.

The order of temporary injunction shall be in force till appearance of defendant and filing objections to application as well as written statement.

The plaintiff is directed to comply the provisions of XXXIX Rule 3 of C.P.C., in letter and spirit.

Issue intimation of the order of temporary injunction, notice on I.A., and suit summons to the defendant.

For appearance of defendant, Call on 18.07.2023.

(Dictated to the stenographer, transcribed and typed by her, the transcript revised, corrected and then pronounced by me in the Open Court on this **03.07.2023**)

(Santhosh M.S.)
Civil Judge and J.M.F.C.,
Navalgund.