

**INTERIM ORDER ON IA NO.1 FILED UNDER
ORDER 39 RULE 1 AND 2 OF CPC**

1. Heard Sri. B.A. Sajjanar adv., for the plaintiff. The plaintiff has filed this suit seeking the relief of declaration to effect that the road shown in hand-sketch map annexed to the plaint, which is marked as "ABCD" is a cart road, has been used by the plaintiff since time immemorial and that the plaintiffs have prescriptive right of easement over the said road.
2. In the affidavit annexed to the said application, the plaintiffs have stated that the defendants who have purchased the land from the Siddappa Basappa Hireholi and that the suit road "ABCD" is in existence since time immemorial and the same is used for ingress and egress to their lands and the same is also shown in the sale deeds of the plaintiff.
3. Heard the counsel for the plaintiff. Perused the plaint and the other documents produced along with it.
4. AT this stage, after going through the rough sketch annexed to the plaint as well as the sale deed dated 21/05/1988 it shows that the plaintiffs have purchased the said property from the one Ramayya and others and the said sale deed shows that the road to ingress and egress the said land is from the Rona – Hullur Road and then from there through the lands of Siddappa Basappa Hireholi and Mallaiah Ramaiah Matapathi from the northern side. As such there is no other road and the said road is also a cart road which

is said to be the only road to the plaintiffs to approach to their lands. Hence at this stage, the plaintiffs have made out a prima facie case and therefore I proceed to pass the following :

ORDER

Issue ad-interim order of ex-parte temporary injunction, restraining the defendants from causing any obstruction to the plaintiffs from using the ABCD road for the purpose of their agricultural activity which is shown in the plaint rough sketch in any manner, till their appearance and filing of their written statement before this court or until further orders.

Plaintiffs are directed to comply Order 39 Rule 3 CPC and also furnish sufficient copies of plaint, documents, I.A.No.I along with adequate process fees within 3 days from the date of this order.

Issue suit summons and notice on I.A.No.I to the defendants by the process of the court, returnable by 13/07/2022

(Aditya R Kalal)

Addl. CJ & JMFC., Ron