

ORDERS

Heard on application filed under Order 39 Rule 1 and 2 of CPC. I have perused the available materials on record. I am not satisfied at this point of time, plaintiff has made out prima-facie case and balance of convenience lies in his favour. Before passing temporary injunction order, hearing of the other side is necessary.

Hence issue emergent notice on IA No.2 and suit summons to defendants.

Returnable by : 14-06-2018

Addl.Civil Judge & JMFC.,
Arakalgud.

ORDERS

Heard on application filed under Order 39 Rule 1 and 2 of CPC. I have perused the available materials on record. I am satisfied at this point of time, plaintiff has made out prima-facie case and balance of convenience lies in his favour. I am also satisfied that it is the plaintiff who

will be put to loss and injury if the exparte temporary injunction order is denied as he has contended in the application that defendants are obstructing him from cutting the standing crop in the suit schedule property. If the Ex-parte order is denied the purpose of filing the application becomes futile.

Hence, defendants and any one claiming under defendants are hereby restrained from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property till the next date of hearing.

The plaintiff shall comply under order 39 Rule 3 of CPC.

Issue emergent notice on IA No.I and suit summons to defendants.

Returnable by:15-11-2017

Addl. Civil Judge & JMFC.,
Arakalgud

ORDER ON IA.NO.I

This an application filed
U/Sec.80(2) of CPC praying the
Court to permit the plaintiff to

dispense with the statutory notice to the defendants and to permit him to institute the suit.

I have perused the affidavit annexed to the application and plaint averments also the prayer sought. On perusal in this stage it appears to the court that there is an urgent on the part of the plaintiff to institute a suit without waiting for statutory time of giving mandatory notice to the defendants. Therefore, the Court is of the view that in this stage the plaintiff has made out a case to permit him to institute the suit by dispensing with the statutory notice to be caused to the defendants. Hence, I pass the following:

ORDER

The IA.No.I U/Sec.80(2) of CPC filed by the plaintiffs are hereby allowed. In the result the plaintiffs are permitted to institute the suit by dispensing with the statutory notice to the defendants.

Sri.A.S.M., advocate filed a vakalath for D.1 and 2 and w/s filed for D.1 and 4 and memo filed stating that w/s may be considered as objection to I.A.No.I.,

Issue suit summons and IA Notice to Defendant No.3, 5 to 9 through RPAD.,

At this stage, plaintiff counsel submits that defendants are trying to cut and remove the trees in the suit schedule property. Hence, prays for temporary injunction.,

Counsel for D.1, 2, 4 submits that in O.S.No:19/2000 filed by the 1st defendant was already adjudicated and suit was decreed. Hence, question of the granting the ex-parte T.I., is not required.

Heard both side.,

Hence, I pass the following:

ORDER

Plaintiffs and Defendant No.1 to 7 are restraining from the cut and remove the trees in the suit schedule property till the next date of hearing.,

Returnable by 01/09/2017.,

C.J and JMFC,
Arakalgud

The plaintiff counsel present and
argued the matter on IA.No.I the same

is filed U/Order 32 Rule 1 of CPC for the seeking of the permission for the proceed with the case through natural guardian mother of the Plaintiff No.1. The plaintiff filed affidavit in supporting of this application and stated that Plaintiff No.1 is minor, he had not capable to appear before the Court and contesting the matter.

Heard, perused the materials on record and I pass the following:

ORDER

IA.No.1 filed by the applicant /Plaintiff No.2 is hereby allowed. The 2nd Plaintiff is permitted to proceed the case interest of minor Plaintiff No.1.,

Civil Judge & JMFC.,
Arkalgud

