

ORDER ON I.A NO.I & II

This is the suit filed by the plaintiff against the defendants seeking the relief of declaration and permanent injunction.

2. The plaintiff has filed I.A. No.1 U/o. XXXIX Rule 3 of CPC seeking to dispense with the issuance of notice to the defendants on I.A.No.II and I.A.No.II U/o. XXXIX Rule 1 & 2 of CPC seeking to restrain the defendants, their men, agents or anybody acting on their behalf from interfering into the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

3. In the affidavits annexed to I.A.Nos.I and II, the plaintiff has stated that, the suit schedule property is the ancestral property of defendant No.1 and 2. Since 1960, the plaintiff is in continuous and uninterrupted possession of the same. The plaintiff has also constructed a house in the suit schedule property and she is living in the said house along with her family. The khata of the said house has been effected in the name of plaintiff in khata No.239. The plaintiff has also grown coconut and mango trees. Those trees are aged about 50 60

years old. When such being the state of things, from around 3 months, the defendants are interfering into the peaceful possession and enjoyment of the plaintiff over the suit schedule property by stating that, the suit schedule property is belonging to them. Since, 04/04/1960, the plaintiff is in adverse possession of the suit schedule property without there being any kind of interruption from the defendants. Though the defendants do not have any kind of right or interest over the suit schedule property, now they are trying to dispossess the plaintiff. On these grounds, the plaintiff prays to allow I.A.No.1 and to dispense with the issuance of notice to defendants on I.A.No.II and also to grant ex-parte temporary injunction restraining the defendants, their men, agents or anybody acting on their behalf from interfering into the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

4. Perused the pleadings and documents filed by the plaintiff. The plaintiff has made out prima facie case against the defendants. Therefore, at this stage on considering the facts and circumstances of the case, it is necessary to allow I.A.No. I. If, I.A.No.I is not allowed, the object of granting the injunction would be defeated by delay. It is also

necessary to grant ex-parte temporary injunction infavour of the plaintiff in order to protect his right and property. Hence, this Court proceed to pass the following:

ORDER

I.A No. I filed by the plaintiff U/O. XXXIX Rule 3 of CPC is hereby allowed and the notice to defendants at this stage for the purpose of granting ex-parte temporary injunction is exempted.

Issue Ex-parte temporary injunction restraining the defendants, their men, agents or anybody acting on their behalf from interfering into the peaceful possession and enjoyment of the plaintiff over the suit schedule property.

The plaintiff is hereby directed to comply the mandate of order XXXIX Rule 3 of CPC and shall report such compliance in the office. Office to issue the copy of this Order to the plaintiff.

Issue emergent notice on I.A.No.II and suit summons to defendant, if sufficient P.F. is paid returnable by 20.06.2022.

**I/c Addl. Civil Judge and JMFC
Arakalagudu.**