

Order on I.A. No. I

1. Perused IA.No.I, affidavit of the plaintiff and documents produced by him.

2. It is the case of the plaintiff that, he has filed the suit for the relief of declaration and Permanent Injunction against the defendant. It is stated that he is in possession of 'A' schedule property and defendant is in possession of 'B' schedule property and he had right over the 'C' schedule property i.e., stair case. Now the defendant is trying to construct the room in the 'C' schedule property. If the defendant is succeeded in his act, then same may leads to multiplicity of proceedings. Hence, he prays to allow IA.No.I.

3. On perusal of the plaint averments and documents produced by the plaintiff, prima-facie it appears that the plaintiff has made out sufficient grounds to grant interim ex-parte temporary injunction order. If the defendant is not restrained from constructing the room in the 'C' schedule property, the very purpose of filing of the suit will be defeated and it will lead to multiplicity of the proceedings. Hence, I proceed to the pass the following:

ORDER

I.A.No.I filed U/O-39, Rule-1 & 2 of CPC is hereby allowed and the defendant, his men or anybody under him are hereby restrained from constructing any room in the 'C' schedule property, by any mode or manner till next date.

The plaintiff shall comply order XXXIX Rule III(A) of CPC.

Issue notice on order passed on IA.No.I and SS to defendant.

**Senior Civil Judge & JMFC,
Arsikere.**