

Order on I.A. No. I

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

2. It is the case of the plaintiff that, she has filed the suit for the relief of declaration to declare that 'B' schedule property is her property and to declare that the defendant has encroached 'B' schedule property and recovery of the same and for mesne profits. I.A.No.1 is filed under Order 39 Rule 1 and 2 of CPC to restrain the defendant from making layout by encroaching 'B' schedule property on the basis of temporarily approved layout sketch. It is the case of the plaintiff that the husband of plaintiff by name Sri.Renuka Prasad has purchased the entire 'A' schedule property under the registered Sale Deed dated:13.09.1985 and after his

demise, she has acquired the same. That the 'B' schedule property is part and parcel of 'A' schedule property and now the defendant on the basis of temporarily approved layout sketch, by encroaching 'B' schedule property is making layout. Therefore, she filed this suit along with 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 making layout by encroaching 'B' schedule property on the basis of temporarily approved layout sketch, 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 making layout on the basis of temporarily approved layout sketch by encroaching 'B' schedule property 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.

Returnable by :

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