

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 and Permanent Injunction against the defendants. It is stated that on 30.12.1993, Kovirangappa S/o Rangegowda has purchased the suit 'A' schedule property under the registered sale deed. Then the said Kovirangappa has transferred the 'A' schedule property to his son Mahalingappa under the Will. After the death of Mahalingappa the said property was transferred into the name of the plaintiff. Since then, the plaintiff is in possession and enjoyment of the said property. The plaintiff has been using the 'C' schedule property as easement of necessity. Now, the defendants are obstructing for the access of the plaintiff through 'C' schedule property by putting stone pillars. 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 defendants are not restrained from obstructing the suit 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 r/w 151 of CPC is hereby allowed and the defendants are hereby restrained from obstructing the access of the plaintiff through 'C' schedule property to the land of the plaintiff i.e., suit 'A' 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 defendants.

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