

The plaintiff has filed I.A.No.1 U/o 39 Rule 1 and 2 of C.P.C. to restrain that defendants and any other person claiming under them from trespassing into the SUIT schedule property and in anyway interfering the suit schedule property pending disposal of the suit.

The application is supported with the affidavit of plaintiff duly sworn and stated that the plaintiff is the absolute owner and in possession and enjoyment of the suit schedule property. But the defendants have got no manner of right, title or interest over the schedule property, but they have trying to encroach the portion of the schedule property and trying to construct the compound wall. Hence, the plaintiff sought for grant of exparte temporary injunction. Perused the plaint averments as we is as sworn affidavit of the plaintiffs and also the documents produced by the plaintiff ie., copy of the sale deed dated 13-01-1992, RTC,

conversion order dated 14-03-1997, alienation sketch, copy of mutation register , property tax register, Form No.3 (Rule 20), Xerox copy of building licence, Electricity permission letter, 3 photos, along with C.D. of the suit schedule property.

On perusal of the documents placed before me, at this stage, if the defendant are not restrained from interfering with the peaceful possession of the suit schedule property, the very purpose of suit would be defected. If the T.I. is not granted, it will be difficult for the plaintiff to restrain the defendants. Hence, I am of the opinion that at this stage plaintiff has made out prima facie case for grant of ex parte temporary Injunction . Therefore, I proceed to pass the following:-

:: ORDER ::

Issue ex parte order of interim temporary injunction against the defendants as prayed in I.A.No.1

The defendants are hereby temporarily restrained from trespassing into the schedule property or from encroaching upon

the suit schedule property and in anyway interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property till next date of hearing.

Issue emergent notice on I.A.No.1 and issue suit summons to the defendants.

Returnable by.12-09-2022.

III.Addl. Civil Judge and J.M.F.C.,
Channarayapatna.