

ORDER ON I.A.NO.I

The plaintiffs have filed I.A.No.I Under order XXXIX Rule 1 and 2 of CPC., seeking for temporary injunction restraining the defendants or their men, agents, servants or any other person claiming under them from causing interference to plaintiffs lawful possession over the suit schedule property pending disposal of the suit.

The application is supported with the affidavit of the plaintiffs duly sworn and stated that the plaintiffs are the absolute owner 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 interfering with the plaintiff's peaceful possession and enjoyment of the schedule property. Hence, they sought for grant of exparte temporary injunction.

Perused the plaint averments as well as sworn affidavit of the plaintiffs filed in support of I.A.No.I and also produced the xerox copy of Gift deed, RTC which stands in the name of the

plaintiffs and other documents . On perusal of the documents it appears that the plaintiffs are the owners of the plaint suit schedule properties.

The suit is one for declaration and permanent injunction. In the event, if the defendant is not restrained, he may interfere with the peaceful possession of the suit schedule property, the very purpose of suit would be defeated. If the temporary injunction is not granted, it will be difficult for the plaintiffs to restrain the defendant. The main object of granting temporary injunction is to preserve the subject matter intact till the conclusion of the trial. Hence, I am of the opinion that at this stage plaintiffs have made out grounds for grant of exparte injunction. Therefore, I proceed to pass the following :-

ORDER

The defendants their servants, men, agents or any other persons claiming through them are hereby restrained, by way of exparte ad-interim temporary injunction, from interfering into the peaceful possession and enjoyment of the plaintiffs over the plaint schedule property till next date of hearing.

The plaintiffs shall comply the mandate Under Order XXXIX Rule 3(a) of CPC.

Issue certified copy order of Temporary injunction after compliance under Order XXXIX Rule 3(a) of CPC by the plaintiffs.

Issue emergent notice on IA No. I and suit summons to the defendants, if P.F is paid .

(Joyline Mendonca)
II Addl. Civil Judge & JMFC,
Channarayapattana