

ORDERS ON IA NO. I & II

Since, these two applications are in consequence of same provision seeking similar relief hence, both applications have been taken up together for a common consideration.

This is suit for permanent injunction seeking an order against the defendants not to interfere with the possession of the plaintiff over the suit schedule property.

Plaintiff along with the plaint, has filed two applications seeking the dispensation of issuance of notice to the defendants on I.A.No.II which is temporary injunction application u/o 39 rule 1 and 2 over suit schedule property.

Heard counsel for plaintiff and perused the materials on record.

Plaintiff has produced original copy of Gift Deed dated 06.07.2021, MR No.H4/2024-25, RTC, Tax paid receipt, Rectification Deed dated 19.07.2024, copyies of plaint and written statement in OS No.51/2025, original copy of the acknowledgement issued by the police station and copy of Aadhar card of plaintiff.

As the suit is for bare injunction and the documents annexed to the plaint prima facie reflect that plaintiff has a right over the suit property however the authenticity of which is to be decided after a full-fledged trail.

On scrutinizing the documents placed on record this court opines that plaintiff has made out prima-facie case against the defendants. Therefore, at this stage, on considering the facts and nature of the case, it is necessary to allow I.A.No.I. as if I.A.No.I and if it is not allowed, the object of granting the injunction would be defeated by delay and it may give rise to multiplicity of the proceedings.

Consequently, this court deems it necessary to grant ex-parte temporary injunction in favour of the plaintiff, moreover, this order will not prejudice the interest of the defendants as it preserves the suit property.

Therefore, this Court proceeds to pass the following;

ORDER

IA No.2 is hereby allowed.

Consequently, the defendants, their representatives, their agents, or any person acting on behalf of the defendants is hereby temporarily restrained from interfering with peaceful possession and enjoyment of the plaintiff over the suit property till next date of hearing.

Issue ex-parte ad interim TI order only after compliance of order 39 rule 3A of C.P.C by plaintiff.

Issue suit summons, notice on I.A. 2 and order of ex-parte TI to the defendants if P.F is paid.

Since, this Court has issued the order of ex-parte temporary injunction by dispensing the notice on IA No.2, IA No.1 does not survive. Hence the same is disposed off.

R/by

**I Addl. Civil Judge & JMFC.,
Holenarasipura.**