

ORDER ON I.A NO.I & II

This is the suit filed by the plaintiffs against the defendants seeking the relief of permanent injunction over the suit schedule properties.

2. The plaintiff has filed I.A.No.1 under Order XXXIX Rule 3 of CPC seeking to dispense with the issuance of notice to the defendants on I.A.No.II and I.A.No.II under Order XXXIX Rule 1 & 2 of CPC seeking to restrain the defendants or anybody claiming under them from interfering into the peaceful possession and enjoyment of the Plaintiffs over the suit schedule properties.

3. In the affidavits annexed to I.A.Nos.I and II, the plaintiffs have stated that, the suit schedule properties are originally their ancestral properties. At present they are in possession and enjoyment of the said properties. Eventhough, the Defendants do not have any kind of right or interest over the same, they are trying to cause loss to the Plaintiffs by destroying the crops grown in the suit schedule properties. The Plaintiffs would be put to irreparable loss and injury if the crops are destroyed.

Therefore, the defendants have to be restrained. On these grounds, the plaintiffs pray to allow I.A.No.1 and to dispense with the issuance of notice to defendants on I.A.No.II and also to grant ex-parte temporary injunction restraining the defendants or anybody claiming under them from interfering into the peaceful possession and enjoyment of the Plaintiffs over the suit schedule properties.

4. Perused the pleadings and documents filed by the plaintiffs. The plaintiffs have made out prima-facie case against the defendants. Therefore, at this stage on considering the facts and circumstances of the case, it is necessary to allow I.A.No.I. If, I.A.No.I is not allowed, the object of granting the injunction would be defeated by delay. It is also necessary to grant ex-parte temporary injunction in favour of the plaintiffs in order to protect their right and properties. Hence, this Court proceed to pass the following:

ORDER

I.A No.I filed by the plaintiffs under Order XXXIX Rule 3 of CPC is hereby allowed and the notice to defendants at this stage for the purpose of granting ex-parte temporary injunction is exempted.

Issue Ex-parte temporary injunction restraining the defendants or anybody claiming under them from interfering into the peaceful possession and enjoyment of the Plaintiffs over the suit schedule properties till the next date of hearing.

The plaintiffs are hereby directed to comply the mandate of order XXXIX Rule 3 of CPC and shall report such compliance in the office. Office to issue the copy of this Order to the plaintiffs.

Issue emergent notice on I.A.No.II and suit summons to defendants, if sufficient P.F. is paid returnable by 05.02.2025.

C/c Addl.Civil Judge and JMFC
Holenarasipura

