

ORDERS ON I.A. NO.II

The plaintiff has filed the application U/o 39 Rule 1 and 2 of CPC restraining the defendant from causing obstructions to construction work in suit schedule property till disposal of the suit.

In the affidavit annexed along with the application, the plaintiff has averred that he has filed the present suit for the relief of permanent injunction in respect of suit schedule property. He is the absolute owner of the suit schedule property and possession of the same. The Defendant has no any right over suit schedule property. Now, he is causing obstructions to construct the building in the suit schedule property. The plaintiff has got prima-facie case and balance of convenience in his favour. If the application is not allowed, he will be put to irreparable

loss and injury. Hence prayed to allow the application.

Inspite of service of notice, the plaintiff has not chosen to appear before the court. Hence, he is placed *exparte*.

Heard the counsel. This court has perused the plaint, application and documents produced by the plaintiff. It is the contention of the plaintiff that he is in possession and enjoyment of the suit schedule property. the plaintiff has produced copy of partition deed, wherein it appears on *prima-facie* that the suit schedule property has fallen to his share. Now, he has contended that the defendant is causing obstructions to the construction work in the suit schedule property.

As discussed *supra*, inspite of service of summons, the defendant has not chosen to appear before the court and filed objections. Hence this

Court of opinion that at this stage the plaintiff has made out prima-facie case and also balance of convenience in his favour. From the documents it appears that if the application is not allowed, the plaintiff may be put to irreparable loss and injury. Hence this court is inclined to allow the application. Accordingly I pass the following :

::ORDER::

I.A No.I filed by the plaintiff is hereby is hereby allowed.

The Defendant or his agents or henchmen or anybody claiming on behalf of them are hereby temporarily restrained from causing obstructions to the construction in the suit schedule property till further orders.

No costs.

The plaintiff is hereby directed to intimate the same and file compliance.

For plaintiff evidence by
17.04.2025.

**Addl. Civil Judge and JMFC.,
Sakaleshpura.**