

ORDERS ON IA No.1

This is a suit filed by the plaintiff No.1 and plaintiff No.2 who is a minor for the relief of Declaration and Permanent Injunction against the defendants in respect of the suit schedule property. I.A. No.1 is filed by the plaintiff under **Order 39 Rule 1 and 2 of CPC** seeking an ad-interim order of temporary injunction restraining the defendants or anybody claiming under them from interfering, trespassing and obstructing the peaceful possession and enjoyment of the plaintiffs over the suit schedule property till disposal of the suit by dispensing the notice to the defendants in the interest of justice and equity.

2. The I.A.No.I is supported with the affidavit of the plaintiff No.1. I have gone through the affidavit and the documents produced by the plaintiffs. The learned counsel for the plaintiffs has argued that the suit schedule property is standing in the name of the plaintiffs after the death of the

husband of the plaintiff No.1 and father of the plaintiff No.2. The learned counsel for the plaintiffs has argued that the defendant No.1 has entered into partition with the defendant No.2 and 3 in respect of the property of the defendant No.1 to the extent of 7 acres 7 guntas which was divided into three parts and the husband of the plaintiff No.1 and father of the plaintiff No.2 has cultivated the suit schedule property within the knowledge of the defendant No.1 from the year 1998 till his death in the year 2020. The learned counsel for the plaintiffs has argued that the defendants are trying to interfere with the peaceful possession and enjoyment of the suit schedule property. If the present applications are not allowed then it can cause multiplicity of proceedings. At this stage, I'm of the view that the plaintiff has made out prima-facie case. Hence, I proceed to pass the following:

ORDER

I.A.No.1 filed by the plaintiffs under **Order 39 Rule 1 and 2 of CPC** is hereby allowed.

The defendants or anybody claiming under them are hereby restrained by way of temporary injunction from interfering, trespassing and obstructing the peaceful possession and enjoyment of the plaintiffs over the suit schedule property till next date of hearing.

The plaintiffs are hereby directed to comply the exparte temporary injunction under the provision of **Order 39 Rule 3 of CPC** without fail.

O.S.No.26/2026

Issue suit summons, notice on IA No.1 to the defendants and temporary injunction order to defendants after compliance, returnable by **13-02-2026.**

**Civil Judge & JMFC,
Hangal.**