

ORDERS ON IA No.1

This is a suit filed by the plaintiffs 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 R/w Section 151 of CPC seeking an ad-interim order of temporary injunction restraining the defendants or anybody claiming under them from interfering with the peaceful usage and enjoyment of the 'ABCD' suit schedule property by the plaintiffs 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 plaintiff has argued that the suit schedule property 'ABCD' as shown in the hand sketch which includes the front portion of the house, coconut and mango trees and flower plants and there is a PWD concrete road after it and the defendants are passing through the said concrete road and trying to claim 4 feet property which is the front portion of the house of the plaintiffs. Perused the documents produced by the plaintiffs. It shows that if the present application is not allowed then it can cause multiplicity of proceedings. At this stage, I'm of the view that the plaintiffs have 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 R/w Section 151 of CPC** is hereby allowed.

The defendants or anybody claiming under them are hereby restrained by way of temporary injunction order from interfering with the peaceful

usage and enjoyment of the suit schedule property 'ABCD' as shown in the hand sketch by the plaintiffs 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.

Issue suit summons, notice on IA No.1 to the defendants and temporary injunction order to defendants after compliance, returnable by **17-03-2026.**

**Civil Judge & JMFC,
Hangal.**