

ORDERS ON IA No.1

This is a suit filed by the plaintiffs for the relief of Permanent Injunction against the defendants in respect of the suit schedule properties. I.A.No.1 is filed by the plaintiff No.1 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 with the peaceful possession and enjoyment of the suit A schedule properties 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.1 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 R.Sy.No.246 and 249 were the properties of Janakibai W/o Jeevanrao Desai, Desai Baburao, Deshapande Marthanad Krishna, Venkatarao Bheemashengouda, Raghavendrao Desai and later 3 acres 1 guntas in Sy.No.246 and 1 acre 29 guntas in Sy.No.249 was entered in the name of Sri.Mahadevappa S/o Parasappa Rajai as he was doing saguvali. The learned counsel for the plaintiffs has argued that, the name of Sri.Mahadevappa S/o Parasappa Rajai was reduced in the RTC and plaintiffs have filed appeal before the Land Tribunal, Hangal which is still pending. The learned counsel for the plaintiffs has argued that the defendants are trying to interfere with their peaceful possession and enjoyment of the suit schedule properties and threatening them with dire consequence of death and no action was taken by the police in this regard. 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 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 possession and enjoyment of the suit schedule properties 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 to the defendants, notice on I.A.No.1 to the defendants and temporary injunction order to defendants after compliance, returnable by **03-06-2026**.

**Civil Judge & JMFC,
Hangal.**