

The plaintiffs have filed the present suit against the defendants for the relief of declaration of right of easement of necessity over item No.2(A) suit schedule property described with “ADCDEF” lettered hand sketch portion annexed to the plaint and consequential relief of permanent injunction to restrain the defendant No.3 from put up construction over item No.2(B) of suit schedule property referred with “GHIJ” lettered hand sketch portion.

Along with the suit, the plaintiff No.6 has maintained I.A.No.II and III both are under order 39 Rule 1 and 2 of C.P.C., respectively by seeking to restrain the defendants or anybody acting under them from peaceful use and enjoyment of suit schedule way and to restrain the defendant No.3 from put up construction over item No.2(b) of

the suit schedule property by way of ad-interim ex-parte temporary injunction till the disposal of the suit.

Perused relief sought of in the I.A.No.II and III, facts deposed in the accompanying affidavits, plaint and documents relied upon by the plaintiffs at this stage. On perusal of the same, the considered opinion of this court is that before passing any orders on I.A.No.II and III, notice of IA.No.II shall be directed to the defendants and notice of IA.No.III shall be directed to the defendant No.3 as contemplated under order 39 Rule 3 of CPC. Accordingly, the following:-

ORDER

Issue suit summons and emergent notice of I.A.No.II to the defendants including emergent notice of I.A.No.III to the defendant No.3 if sufficient PF is paid.

Returnable by : 04-06-2025.

Civil Judge & JMFC.,
Hangal.

