

COMMON ORDERS ON I.A No.1 & 2

This is a suit filed by the plaintiffs for the relief of Permanent Injunction against the defendants in respect of the suit schedule property. I.A.No.1 is filed by the plaintiffs 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 schedule property till disposal of the suit by

dispensing the notice to the defendants in the interest of justice and equity.

2. The plaintiffs have also filed I.A.No.2 under Section 151 of CPC seeking Police Protection from the defendants in respect of the peaceful possession and enjoyment of the suit schedule property by the plaintiffs.

3. The I.A.No.1 is supported with the affidavit of the plaintiff No.1 and the IA.No.2 is annexed with the memorandum of facts. I have gone through the affidavit and the documents produced by the plaintiffs. The learned counsel for the plaintiffs has argued that the father of the plaintiffs had application and was granted 3 acres of land in Sy.No.20/A/1 and was in peaceful possession and enjoyment and the khata was also entered accordingly.. The learned counsel for the plaintiff has argued that the defendants having no right, title and interest are interfering with the peaceful and enjoyment of the suit schedule property by the plaintiff. Perused the documents produced by the plaintiffs. It shows that if IA.No.1 is not allowed then it can cause multiplicity of proceedings. Further in respect of passing any orders on IA.No.2 under Section 151 of CP for Police Protection it would appropriate to issue notice to the defendants. At this stage, I'm of the view that the plaintiffs have made out prima-facie case in respect of IA.No.1. 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 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.

Issue suit summons to the defendants, notice on IA No.1 to the defendants and temporary injunction order to defendants after compliance and issue notice on I.A.No.2 to the defendants, returnable by **13-07-2026**.

**Civil Judge & JMFC,
Hangal.**