

The plaintiff has filed the present suit against the defendants for the relief of declaration, possession and permanent Injunction in respect of the suit schedule property and for such other reliefs.

2. Along with the main suit, the plaintiff has filed I.A No.I under order 39 Rule 1 and 2 of CPC seeking to restrain the defendant No.1 to 3 from changing the nature of the suit schedule property by way of putting up any

permanent structure/house till the disposal of the suit by dispensing notice on application to the defendant No.1 to 3 by way of ad-interim ex-parte temporary injunction.

3. Perused the plaint averments, I.A.No.I, its accompanying affidavit and documents relied upon by the plaintiff. On perusal of the same, it is satisfied that, the case of the plaintiff involves arguable case. At the time of arguments the learned counsel for the plaintiff has argued that the plaintiff has acquired the suit schedule property measuring 1 acre 33 guntas by way of gift and later on the plaintiff has sold some portions to others and after the said sale, he is in possession and enjoyment of 1acre 08 guntas, 08annas. The learned counsel for the plaintiff has argued that the defendants are the owners of the adjoining lands of the suit schedule property and they have encroached a portion of the suit schedule property to an extent of 29 guntas as per the PT Sheet. The learned counsel for the plaintiff has argued that inspite of repeated request by the plaintiff to the defendants to vacate the encroached land the defendants have not obliged and they are trying to put up a permanent structure over the same.

4. In other words, at this stage, the plaintiff has made out prima facie case and balance of convenience lies in his favour and irreparable loss and injury would be caused to him if injunction is refused. Moreover, very purpose of filing the suit would be defeated if the injunction is not granted

and same would result in the multiplicity of the proceedings. Accordingly, the considered opinion of this Court is that notice of I.A.No.I contemplated U/o 39 Rule 3 of CPC to the defendant No.1 to 3 shall be dispensed with. Therefore, this Court proceeds to pass the following:

ORDER

The defendant No.1 to 3 are hereby restrained from changing the nature of the suit schedule property by way of putting up any permanent structure/house till the next date of hearing.

Issue order of exparte temporary injunction in favour of plaintiff, if the plaintiff complies Order 39 Rule 3(a) of CPC.

Issue suit summons to defendants and notice of I.A.No.I to the defendant No.1 to 3 if sufficient PF is paid.

Call on: 04.09.2025.

Civil Judge & JMFC.,
Hangal.