

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 defendants, their agents, their power of attorney holders or any one acting on their behalf from creating or subletting any type of encumbrance over the suit schedule property to others till the disposal of the suit by dispensing notice on application to the defendants by way of ad-interim ex-parte temporary injunction.

3. Perused the plaint averments, I.A.No.I, its accompanying affidavit of the plaintiff and documents relied upon by the plaintiff. On perusal of the same, it is satisfied that, the case of the plaintiff involves arguable case. The learned counsel for the plaintiff has argued that the plaintiff is the absolute owner of the suit schedule property

and the defendants are in permissive possession of the same. The learned counsel for the plaintiff has argued that the defendants are trying to create encumbrance and to sublet the suit schedule property with an intention to knock off the suit schedule property. In other words, at this stage, the plaintiff has made out prima facie case and balance of convenience lies in her favour and irreparable loss and injury would be caused to her 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 defendants shall be dispensed with. Therefore, this Court proceeds to pass the following:

ORDER

The defendants their agents, their power of attorney holders or any one acting on their behalf are hereby restrained from creating or subletting any type of encumbrance over the suit schedule property to others till the next date of hearing.

Issue order of exparte temporary injunction in favour of plaintiff, if the

plaintiffs comply Order 39 Rule 3(a) of CPC.

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

Call on: 23.09.2025.

Civil Judge & JMFC.,
Hangal.