

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 plaintiffs under **Order 39 Rule 1 and 2 of CPC** seeking an ad-interim order of temporary injunction restraining the defendants, their agents, attorneys, servants or anybody claiming under from interfering with the peaceful possession and enjoyment of the suit 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.I is supported with the affidavit of the plaintiffs. I have gone through the affidavit and the documents produced by the

plaintiff No.1. The learned counsel for the plaintiffs has argued that the suit schedule properties have fallen to the share of the plaintiffs as per partition which had fallen to the share of their father, when a partition took place between the father of the plaintiffs and the father of the defendants. The learned counsel for the plaintiffs has argued that the plaintiffs are the owners in absolute possession and enjoyment of the suit schedule properties. The learned counsel for the plaintiff has argued that the defendants are trying to interfere with the peaceful possession and enjoyment of the suit schedule properties and the plaintiffs have invested huge amount in the development of the suit schedule properties. Perused the documents produced by the plaintiff. 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, their agents, attorneys, servants 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, notice on IA No.1 to the defendants and temporary injunction order to defendants after compliance, returnable by **28-01-2025.**

**Civil Judge & JMFC,
Hangal.**