

The plaintiffs have filed the present suit against the defendant No.1 to 3 by seeking the relief of permanent injunction to restrain the defendants from interfering in peaceful possession and enjoyment of the suit schedule property.

Along with suit, the plaintiff No.1 has maintained I.A.No.I U/o. 39 Rule 1 and 2 of C.P.C., by seeking to restrain the defendants from dispossession of plaintiffs from suit schedule property and thereby further restrain them from interfering in peaceful possession and enjoyment of the same by way of ad-interim ex-parte temporary injunction.

Perused I.A.No.I, its accompanying affidavit, plaint and other documents relied upon by plaintiffs at this stage. On perusal of the same, it is forthcoming that, suit of the plaintiff involves prima facie and balance of convenience lies in their favour and irreparable loss or injury would be caused to them if ex-parte TI refused at this stage.

In fact, if the ex-parte temporary injunction is not granted, very purpose of filing the suit would be defeated by reason of delay and also results in multiplicity of the judicial proceedings. Hence, the considered opinion of this Court is that notice of interim application to the defendants as

contemplated under order 39 Rule 3 of C.P.C. is hereby dispensed with. Accordingly, the following:-

ORDER

The defendants are hereby restrained from interfering in peaceful possession and enjoyment of the suit schedule property by way of ad-interim exparte temporary injunction.

Issue order of exparte TI in favour of plaintiff if they complies the provision of 39 Rule 3(a) of CPC.

Issue suit summons and emergent notice on I.A.No.I to the defendants, if sufficient P.F is paid.

Returnable by : 19-02-2024.

Civil Judge & JMFC.,
Hangal.