

The plaintiffs have filed the present suit for the relief of permanent injunction against defendants in respect of the suit schedule property.

The plaintiffs have filed I.A. No.I Under Order XXXIX Rule 1 and 2 R/w section 151 of C.P.C. praying the court to pass an order of ad-interim temporary injunction restraining the defendants from interfering in the peaceful possession and enjoyment of the “EBCF” property and from destructing the “MNOP” house as shown in the hand sketch of the plaint till disposal of suit.

Heard the counsel for the plaintiff. Perused the plaint averments, IA No.I, its accompanying affidavit and documents relied upon by the plaintiff. On perusal of the affidavit contents and documents relied upon by the plaintiff it prima-facie discloses that the plaintiffs case involves arguable case to be tried at the time of trial. More over, the balance of convenience lies in favour of plaintiff at this stage.

Accordingly, in order to avoid the multiplicity of the proceedings, notice contemplated under order 39 Rule 3 of the C.P.C is to be dispensed with. Accordingly, this court proceeds to pass the following:

ORDER

The defendants are hereby restrained from interfering with the peaceful possession and enjoyment of the “EBCF” property and from destructing the “MNOP” house as shown in the hand sketch of the plaint till disposal of suit.

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

Issue order of temporary injunction in favour of the plaintiff, if plaintiff complies with the provisions of order XXXIX rule 3 of the C.P.C.

Call on: 28-07-2023.

Addl., Civil Judge & J.M.F.C.,
Hirekerur.