

The plaintiffs have filed present suit against the defendants for the relief of declaration to declare that they are the absolute owners of the suit schedule property by virtue of adverse of possession and to restrain the defendants from dispossessing the plaintiffs from the possession of the suit schedule property otherwise then due process of law.

Along with the main suit, the counsel for the plaintiffs has filed the IA No.1 under order 39 Rule 1 and 2 by seeking to restrain the defendants not to interfere with the possession and enjoyment of the 34 guntas of land out of 3 acre 34 guntas of land in suit schedule A-1 property by way of ad-interim ex-parte temporary injunction.

Perused the plaint averments, IA No.I, its accompanying affidavit and documents relaid upon by the plaintiffs. It is the rule that court shall in all cases direct the notice of application to the opposite party unless object of granting the injunction would be defeated by the reason of delay. In the present case on hand, delay in no way effect the applicant if the notice of IA No.I is issued to the defendants/ opponents.

On perusal of the same, this court is of the considered opinion that no ex-parte temporary injunction to be granted without serving the notice of IA-I to the defendant as contemplated order 39 Rule 3 of the CPC. Hence, before passing any orders on IA No.1, it is just and necessary to direct the notice of IA No.I to the defendant. Hence this court is proceed to pass following:

ORDER

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

Call on: 12-02-2020.

Addl. Civil Judge & JMFC.,
Hirekerur.