

ORDER ON I.A I

The plaintiff along with the suit has also filed I.A. No.I under Order 39 Rule 1 and 2 R/w 151 of CPC seeking interim temporary Injunction restraining defendants, from transferring, alienating the suit property and also from taking debts by mortgaging the suit property to any bank or financial institutions till the disposal of the suit in the interest of justice and equity.

The plaintiff along with the suit filed documents that are certified copies property extracts, certified copies of RTC extracts, compromise agreement deed and death certificates. Hence by considering the documents and pleading in the plaint, at this stage, prima facie discloses that the case is arguable and plaintiff is entitle for ad-interim injunction order.

Further in the first instance, issuance of the notice to the other side is dispensed with for the reason, delay is defeated the object of ex-parte TI order.

As per the direction issued by the Hon'ble High Court of Karnataka in between American Cyanamid Co. V/ s Ethicon Ltd. reported in ILR 1976 KAR 426 it is necessary to undertake by the plaintiff to pay damages to the defendants for any loss sustained by reason of the injunction if it be held at trial that plaintiff was not entitled to so restrain the defendants. Further to avoid multiplicity of suit, it is necessary to grant ad-interim ex-parte T.I order, hence I proceed to pass the following:-

ORDER

The IA No. I filed by the plaintiffs U/ o 39 rule 1 and 2 of CPC is hereby allowed.

The defendants are hereby restrained by way of ad-interim injunction order form transferring, alienating the suit property and also from taking debts by mortgaging the suit

property to any bank or financial institutions, till appearance of defendants.

Plaintiff is hereby directed to comply Order 39 Rule 3A of C.P.C.

Office is hereby directed to issue suit summons, notice on I.A. No.I and the order of injunction only after compliance.

The plaintiff shall file undertaking affidavit stating that, if they fail to succeed in suit then, ready to bear the expenditure caused to the defendants by allowing the ad-interim injunction order.

Further office is hereby directed that if the plaintiff fails to comply the order, she is not entitle for certified copy of order on IA No.I.

Returnable by 02-08-2025.

**II Additional Sr. Civil Judge & JMFC,
Ranebennur.**

ORDER ON I.A IV

The plaintiffs along with the suit has also filed I.A. No.II under Order 39 Rule 1 and 2 r/w Sec. 94(e) and 151 of CPC seeking interim temporary Injunction order against the 1st defendant restraining him, his men, agents, servants from forcibly, unlawfully and illegally trespassing over the 'B' schedule road and obstructing the 'B' schedule road till the disposal of the suit.

The plaintiff along with the suit filed documents that are certified copies of sale deeds, RTCs, rough eye sketch, photos and complaint lodged by the plaintiff. Hence by considering the documents and pleading in the plaint, at this stage, prima facie discloses that the case is arguable and plaintiffs are entitled for ad-interim status quo.

Further in the first instance, issuance of the notice to the other side is dispensed with for the reason, delay is defeated the object of exparte TI order.

As per the direction issued by the Hon'ble High Court of Karnataka in between American Cyanamid Co. V/ s Ethicon Ltd. reported in ILR 1976 KAR 426 it is necessary to undertake by the plaintiff to pay damages to the defendants for any loss sustained by reason of the injunction if it be held at trial that plaintiff was not entitled to so restrain the defendant. Further to avoid multiplicity of suit, it is necessary to grant ad-interim exparte status quo order, hence I proceed to pass the following:-

ORDER

Both the parties are hereby directed to maintain the statusquo order from today i.e. dated: 25.1.2022 till appearance of defendants.

Plaintiffs are hereby directed to comply Order 39 Rule 3A of C.P.C.

Office is hereby directed to issue suit summons, notice on I.A. No.II and the order of statusquo order only after compliance.

Further office is hereby directed that if the plaintiffs fail to comply the order, they is not entitle for certified copy of order on IA No.2.

Returnable by 11.2.2022.

II Additional Civil Judge & JMFC,
Udupi