

### **ORDER ON I.A.NO.1**

Heard Sri M.B.G. the learned counsel for plaintiffs on I.A.No.1.

The plaintiffs have filed present suit against the defendants for the relief of Declaration and Permanent Injunction and the present interim application filed for auxiliary relief U/O 39 Rule 1 and 2 of CPC to restrain the defendants No.1 to 5 or anybody on their behalf restraining them from obstructing the plaintiffs peaceful possession and enjoyment over suit schedule property till disposal of the suit.

Perused entire plaint averments along with materials placed on record and heard learned counsel for plaintiffs. The contents of the plaint and affidavit averments prima-facie shows that balance of convenience lies in favour of the plaintiffs. Therefore, it is opinion of this court that ordering notice to the opponents would delay the proceedings and results in the suit becoming infructuous and if the application is not allowed the plaintiff will be put to hardship and inconvenience and if ex-parte temporary

injunction is not granted the very purpose of the suit will be defeated. Hence I proceed to pass following;

**ORDER**

Considering I.A.No.1 the defendants No.1 to 5 or anybody on behalf of them are hereby restrained by way of ex-parte ad-interim temporary injunction from constructing the plaintiffs peaceful possession and enjoyment over the suit schedule property till next date of hearing.

The plaintiff is hereby directed to comply order 39 Rule 3 of CPC.

Office is hereby directed to issue S/S, notice on I.A.No.1 and order of ex-parte injunction after compliance.

R/by

Sd/-  
Prl. Civil Judge & I Addl. JMFC,  
Ranebennur.