

Heard counsel for plaintiff on I.A. No.I.

2. Perused the plaint, application, accompanied affidavit and documents. The plaintiff filed the suit for Mandatory Injunction. Along with the suit, the plaintiff has also filed I.A. No.I.

3. The plaintiffs contended that suit schedule property is ancestral property same is in the possession of plaintiff and VPC No.77 belongs to defendant. Now trying to construct the house without leaving set back in eastern side of suit schedule property. On repeated request made by the plaintiff, defendant refuse to leave set back. Hence, he filed this suit for the relief of Mandatory Injunction along with the above application.

4. In support of the application, the plaintiff has produced E-Swattu, sale deed, photos and other documents. On perusal of these documents, the reasons assigned by the plaintiff are satisfactory. At this stage, I am of the opinion that the plaintiff has made out prima facie grounds and it is a fit case to grant ex-parte temporary injunction restraining the defendant, her agents from constructing house without leaving set back till next date of hearing in order to avoid multiplicity proceedings.

5. Further, I am of the opinion that dispensation of notice of I.A. No.I is necessary as the very purpose of granting temporary injunction will be defeated by reason of delay. Hence, I proceed to pass the following;

ORDER

Issue ad-interim temporary injunction against defendant, her agents, or any other persons claiming under her, are hereby restrained from constructing any building without leaving set back in eastern side of suit schedule

property in any manner till next date of hearing.

The plaintiff shall comply Order 39 Rule 3 of CPC.

Office is ordered to issue ex-parte Temporary Injunction order as per order only after compliance of order 39 Rule 3 of CPC., and issue summons and emergent notice on I.A. No.1 to defendant, if P.F. and copies furnished.

C/c Prl. Civil Judge and I Addl.J.M.F.C,
Ranebennur.