

:: EX-PARTE ORDER ON IA NO. 1 ::

Perused the plaint, IA filed u/o 39 rule 1 and 2 r/w Sec. 151 of CPC. The connected affidavit sworn to by the plaintiff and the documents appended to the list suit is for the relief of Permanent Injunction filed by the plaintiff in respect of the plaint schedule property. The plaintiff stated in his plaint that defendant is the neighbor of the plaintiff's house. The plaintiff is the absolute owner of the suit schedule property bearing its R.S. No. 892/1P plot No. 47 measuring 4351.75 Sq.ft. by way of executing the sale deed. As per the sale deed the name of the plaintiff is entered in the RTC extract by the revenue authority. Now the suit schedule property is the open plot. The defendant plot is adjacent to the plaintiffs' suit schedule property bearing its R.S. No. 892D, the said property is situated in the southern side of the said suit schedule property. Now the defendant is illegally trying to sell the plaintiff's suit schedule property by way of inducing others that the plaintiffs suit schedule property is allotted to him and he is the owner of the said suit schedule property even though the plaintiff's suit schedule property is not registered in the defendant name. Hence, plaintiff prays that to restrain the defendant from not to alienate the said suit schedule property. At this stage the averments and documents to deficit the same. After perusal of all the materials at this stage the court is satisfied about the establishment of prima-facie case and balance of convenience is in favour of the plaintiff. Of an ex-parte order of temporary injunction is not granted, situation will may arise which might be put the plaintiff into hardship by the time the dispute is closed. Hence, the following order.

:: ORDER ::

The defendant is hereby restraining them not to sell, alienating or mortgaging the said suit schedule property by way of ex-parte temporary injunction till the next date of hearing.

Plaintiff is directed to comply the order as contemplated U/o 39 Rule 3(A) of CPC.

Issue TI Notice and suit summons to defendant.

Returnable by: 07-10-2016.

CC: Prl. C.J. & 1st Addl.
 J.M.F.C. Ranebennur.