

Dated:09.01.2025

ORDER

The plaintiffs have filed present suit against the defendants for the relief of permanent injunction to restrain them or anybody acting under them, from causing obstruction to the peaceful possession and enjoyment of suit schedule property and for such other reliefs.

2. Along with the main suit, the plaintiff has filed I.A No.I under order 39 Rule 1 and 2 r/w Section 151 of CPC, seeking to restrain the defendants or anybody acting under, from interfering into peaceful possession and enjoyment of the suit schedule property, by way of ad-interim ex-parte temporary injunction till disposal of suit.

3. Perused the plaint averments, I.A.No.I, its accompanying affidavit and documents relied upon by the plaintiffs at this stage. The Plaintiffs submitted that their father was in the peaceful possession and enjoyment of the suit schedule property. Thereafter they are in possession and enjoyment of the suit schedule property.

4. On perusal of the other documents, it reveals that the suit schedule property is presently standing in the name of the father of the plaintiffs. The plaintiff has also produced property extracts, License, Electricity bills and other documents. They contended that the defendants are illegally interfering and obstructing the peaceful possession and enjoyment of the suit schedule property. Therefore, the

considered opinion of this court is that case of the plaintiffs involves arguable case to go on for trial. Therefore, balance of convenience tilt in favour of the plaintiffs at this stage and irreparable loss and injury would be caused to them if injunction is refused. Moreover, very purpose of filing the suit would be defeated if the injunction is not granted and same would results in the multiplicities of the proceedings. Accordingly, this court proceeds to pass the following:

ORDER

The defendants or anybody acting under them are hereby restrained from interfering into the peaceful possession and enjoyment of the suit schedule property till next date of hearing, by way of ex-parte temporary injunction.

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

Issue order of ex-parte temporary injunction in favour of plaintiffs, if they comply order 39 Rule 3(a) of the CPC.

Call on: 14-02-2025.

Civil Judge & JMFC.,
Savanur.