

Dt.:03-05-2025

ORDER

The Plaintiffs have filed this suit against the defendants seeking the relief of declaration and permanent injunction restraining the defendants from causing obstruction for use and enjoyment of suit "ABCDEF" road as shown in the hand sketch map and for other reliefs in the interest of justice and equity.

2. In present suit, the plaintiffs have filed interim application U/O. 39 Rule 1 & 2 R/W Sec.151 of CPC praying to grant ex-parte ad-interim temporary injunction restraining the defendants or anybody from causing obstruction in respect of suit road for using bullock cart or tractor as shown in the hand sketch map from letter "ABCDEF" to reach plaintiffs land, in the interest of justice and equity, till the disposal of the suit on merits.

3. I have perused the plaint averments, IA No.I and accompanying affidavit of the interim application and the documents produced by the plaintiff. The learned counsel for the plaintiff has prayed for granting the ex-parte ad-interim temporary injunction as prayed. On perusal of the documents produced by the plaintiff at this stage, the RTC extract of landed property bearing RS. No.4/1A is standing in the name of plaintiffs and Sy.No.4/3 is standing in the name of defendants. The plaintiff has produced positive photos, mutation register extract along with PT sheet and CD. On perusal of documents and arguments by the plaintiffs counsel, the plaintiffs and defendants are the relatives.

4. At this stage, though the plaintiffs have relied upon positive photos and PT sheet, there is no recitals about existence of cart road as claimed by plaintiffs. Though in positive photos, existence of cart road can be seen but whether that cart road is existed in the land of defendants is to be proved by reliable documentary evidence. Though the RTC extracts of landed properties are standing the name of above mentioned persons, existence of cart road has to be prove. They have not produced the village map also.

Therefore, plaintiffs at this stage, the plaintiffs have failed to made out prima-facie case to grant ad-interim temporary injunction order. Therefore, before passing order on interim application, it is necessary to hear on defendants side. Hence, at this stage, the plaintiffs have not made out sufficient grounds to grant the Ex-parte TI against the defendants. Hence, I proceed to pass the following;

ORDER

Hence, issue emergent notice on IA No.I and suit summons to defendants, if P.F. paid.

Call on 25-06-2025

Civil Judge & JMFC, Savanur.