

ORDER

The Plaintiff has 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 “ABCDA” road as shown in the hand sketch map and for other reliefs in the interest of justice and equity.

2. In the present suit, the plaintiff has 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 from causing obstruction for use and enjoyment of suit “ABCDA” road as shown in the hand sketch map, in the interest of justice and equity, till the disposal of the suit on merits.

3. I have perused the plaint averments, contents of I.A. No.I, the affidavit filed in support thereof and the documents produced by the plaintiff. The learned counsel for the plaintiff has sought grant of an ex-parte ad-interim temporary injunction.

4. On perusal of the records produced at this stage, it appears that the plaintiff claims to be the owner and possessor of land bearing Sy.No.39/2A. The defendants are stated to be the owners and possessors of adjoining lands bearing Sy.Nos.39/2B/1 and 39/2B/2. In support of his claim, the plaintiff has produced RTC extracts, photographs and a copy of the order passed by the Tahsildar in Vahi No.07/2025-26 dated 29-01-2026. Prima facie, the documents disclose the existence of a pathway claimed by the plaintiff for ingress and egress to his land through the lands situated in Sy.No.39. The plaintiff contends that the said pathway has been in existence and is being used by him for access to his land since from 20 years and that the defendants are attempting to obstruct the same.

5. At this stage, this Court is not expected to record any final finding regarding the existence, nature or extent of the alleged pathway, as the same can be adjudicated only after the parties lead their evidence. However, the documents produced by the plaintiff, particularly the order of the Tahsildar, prima facie disclose a dispute regarding the plaintiff's right of access through

the suit pathway. Thus, the plaintiff has made out a prima facie case for consideration.

6. The balance of convenience also appears to be in favour of preserving the existing state of affairs until the appearance of the defendants and hearing on the application. If the defendants are permitted to obstruct or alter the alleged pathway before adjudication of the application, the plaintiff may be deprived of access to his land, resulting in hardship and multiplicity of proceedings. On the other hand, maintaining the existing position for a limited period would not cause irreparable prejudice to the defendants.

7. Therefore, this is a fit case for grant of an ex-parte ad-interim order to preserve the subject matter of the suit until the defendants enter appearance and file their objections. Accordingly, this court proceed to pass the following;

ORDER

The defendants or anybody claiming through them are hereby restrained by way of an ex-parte ad-interim temporary injunction from causing obstruction to the plaintiff use of the suit "ABCDA" road as shown in the hand sketch map annexed to the plaint, in any manner, till next date of hearing.

The plaintiff shall comply with the provisions of order 39 rule 3 of C.P.C.

Issue suit summons and Ex-parte TI order to the defendants, if copies of plaint, IA No.I, documents are furnished and P.F. paid.

Call on 01-07-2026

**Civil Judge & JMFC,
Savanur.**