

EXPARTE ORDER ON I.A.NO.I

Learned counsel for plaintiffs have filed the present suit against the defendants, for the relief of Permanent prohibitory Injunction along with the I.A No.I Under Order 39 Rules 1 and 2 of C.P.C, seeking ad interim ex-parte order to defendants, persons claiming through them by restraining from not to dig the suit properties in any manner during disposal of the suit.

Heard. Perused I.A No.I, annexed affidavit, plaint and documents produced by the plaintiff at this stage.

In the affidavit annexed to the application, it is stated that the properties bearing R.S.No.43/3, 34/2, 33/2 and 34/1 situated at Kalakatti village are self acquired properties of plaintiffs and property bearing R.S.No.43/3 property is ancestral property of plaintiffs, they are the owners and possessor of the suit properties they are jointly in peaceful possession and enjoyment of the suit properties without any-body's interruption. Further stated that defendants without any right, title or interest whatsoever over the suit properties to eastern side of the suit properties high handedly and illegally tried to interfere by way of digging the land with an intention to create new cart road in the land of plaintiffs which is not in existed. Further stated that the illegal acts of the defendants huge damage to the grown crops like maize, sugar cane, paddy crop and sapota trees. Further stated that defendants are highly influenced by the political leaders and they are bulk in numbers. Further stated that plaintiffs requested the defendants along with the elders of the village not to do any illegal acts in the suit properties. But the defendants did not

heed and cared the advise made by the plaintiffs and village elders. Further, plaintiffs have got prima-facie case, and balance of convenience lies in their favour. If the exparte TI is not granted then plaintiffs will be put into great hardship and loss. If exparte TI granted then no harm is cause to defendants. Hence prayed to allow this application.

At this juncture, on perusal of the averments of the plaint as well as the affidavit annexed to the I.A and also documents produced by the plaintiffs, it is noticed that suit is one for Permanent Injunction against the defendants. Further the plaintiffs claimed temporary injunction restraining the defendants or persons claiming through them not to dig the suit properties in any manner. Moreover due to COVID-19 it seems necessary to give an opportunity to the defendants to contest the case. Hence, I proceed to pass the following:

ORDER

Issue emergent notice on I.A.No.I and suit summons to the defendants, if P.F. paid.

Returnable by: 30.11.2020.

**Civil Judge and JMFC,
Shiggaon**

