

Order on IA-I - U/o.39 Rule 1 & 2 of CPC

The plaintiff has filed the present suit seeking the relief of declaration of recover of position in respect of encroached portion as described as suit schedule 'B' property and consequential relief of permanent injunction in respect of suit schedule 'A' property. The plaintiff along to suit has filed the application in hand seeking an order of temporary injunction restraining the defendants from further encroaching suit schedule 'A' property.

It is the specific case of the plaintiff that the suit schedule 'A' property is the vacant site in her lawful possession and enjoyment. The defendants being strangers to the said property have got no right title or interest over the said property. Taking undue advantage of the old age of the plaintiff, the defendants have encroached upon the north-western corner of the suit schedule 'A' property and have put up a temporary bunk shop therein. The said encroached portion is referred to as suit schedule 'B' property.

The plaintiff contents that despite the request made by her the defendants have refused to vacate the encroached portion. On the contrary they are making efforts to further extend the encroachment over the remaining portion of suit schedule 'A' property. The complaint was lodged before the jurisdictional police, however police have issued endorsement to approach this civil Court. Hence, the present suit and application.

I have perused the plaint averments, I.A, affidavit accompanying the application and the documents produced.

I am satisfied with the contents of the affidavit. It is pertinent to note that the nature of the property is a vacant site. The pleadings and the documents indicate that at this stage the plaintiff appears to be in a position over suit schedule 'A' property. The photographs and the complaint and endorsement issued by the police indicate the alleged interference over the use and enjoyment of the suit schedule property. These documents at this stage, coupled with pleadings disclose a prima-facie case in favour of the plaintiff warranting the preservation of the property pending

adjudication. If the defendants are not restrained their exists a possibility of further encroachment. Such Act would material alter the physical feature of the property. The unauthorized structure once erected would lead to multiplicity of proceedings. If the interim protection is refused the plaintiff would suffer irreparable injury. In view of the above discussion I proceed to pass the following;

Order

Issue an ad interim order of exparte temporary injunction against the defendants restraining them, their agents, servants or any body claiming through them restraining the defendants from further encroaching over suit schedule 'A' Property in any manner till next date of hearing.

Plaintiff shall comply with the provisions under Order 39 Rule 3(a) of CPC.

Issue emergent notice on I.A.1 and suit summons to defendants if PF is paid.

Call on: 24.03.2026

Prl.Civil Judge & JMFC Bangarpet.