

ORDERS ON I.A.No.1

The Counsel for Plaintiff has filed the present I.A.No.2 under Order 39 Rule 3 of CPC, seeking dispensation of notice to the Defendants for consideration of I.A No.1, in view of the urgency.

The Counsel for Plaintiff has filed I.A No.1 u/O 39 Rule 1 and 2 of CPC, seeking an exparte T.I. Order, restraining the Defendants, their agents, heirs, henchmen, representatives or any other persons claiming under them from cutting and removing the standing eucalyptus tree over the Suit Schedule Property, till the disposal of the Suit.

Considering the urgency that the Plaintiff is seeking urgent relief, the I.A No.2 is allowed and I.A No.1 is taken for consideration for passing exparte Orders.

This is the Suit of the Plaintiff is filed a bonafide Suit for Injunction against the Defendants. Plaintiff contended that, the Plaintiff and her family members are in possession and enjoyment of the Suit Schedule Property. The Defendants are strangers to the Suit Schedule Property and they are trying to interfere and trying to cut and remove the standing Eucalyptus tree. Hence, it is prayed to allow the Application.

The Counsel for Plaintiff has produced xerox copies of RTC, Mutations, Grant Certificate, official memorandum, Original Adhara Bidugade Patra, land records, Akarabandh, photos and CD.

Upon hearing the Counsel for Plaintiff and also on perusal of the documents produced by the Plaintiff, this Court has come to conclusion that the Suit Schedule Property is to be preserved till the rights of the parties and decided on merits. Further, if the Suit

Schedule Property is not protected at this stage, then the rights of the Plaintiff would be in danger and further, the Suit Schedule Property will be in danger of being damaged, destroyed. Also the prayer asked for by the Plaintiff shows that, the Plaintiff might be in possession of Suit Schedule Property. Therefore, at present, there is a need to protect the Suit Schedule Property. Hence, this Court feels that, the Plaintiff has made out prima-facie case, for grant of Exparte Temporary Injunction as sought for. Hence, the following Order is passed.

ORDER

By an Exparte T.I order, the Defendants, their agents, heirs, henchmen, representatives or any other persons claiming under them, are hereby restrained from cutting and removing the standing eucalyptus tree over the Suit Schedule Property till next date of hearing.

Issue Ad-Interim Order of Temporary Injunction accordingly. Issue copy of this Order, with copy of Plaint, copy of documents, summons and notice, accordingly.

The Plaintiff shall comply with the provisions of Order 39 Rule 3(a) of CPC. Call on by 31/10/2025

Sd/-

Prl.C.J & JMFC, Malur.

