

Orders on I.A.No.I

Sri.ATK, counsel for Plaintiff has filed this suit against the defendants for the relief of declaration and permanent injunction over the suit schedule property along with I.A.No.I seeking for ex-parte ad-interim order of temporary injunction against the defendants restraining them from interfering with the peaceful possession of plaintiff over the suit schedule property till disposal of the suit.

In the accompanying affidavit the plaintiff further contended that, he is the absolute owner and in possession of suit schedule property bearing Sy. No.263/1 measuring 1 acre situated at Nerale Village, Antharasanthe Hobli. The suit property originally belongs to the mother of defendant No.1 & 2, and grand mother of defendant No.3, 4, 6, 8 & 9 and mother in law of defendant No.7 late Ningamma W/o late Shetty gowda and it is her self acquired property purchased through registered sale deed dated 27.10.1976. The said Ningamma has sold the suit property in favour of 5th defendant through registered sale deed on 28.03.1984. Thereafter the plaintiff purchased the suit property from 5th defendant through registered sale deed dated 19.11.1990 and is in possession of the same as absolute owner. But the 6th defendant by colluding with Ningamma have executed registered

will in favour of 6th defendant dated 01.08.2018, which is not binding on the plaintiff. The 6th defendant is interfering with the peaceful possession of plaintiff over the suit schedule property.

Heard, learned counsel for the plaintiff. Perused the plaint averments, I.A. & Affidavit and supported documents.

On perusal of the records, the defendants' presence is necessary before granting the ex-parte temporary injunction.

Hence issue emergent notice on IA.No.1 and suit summons to the defendants, if PF paid.

R/by 08.02.2024

Addl.C. J & JMFC.,
H.D.Kote.