

**Orders on I.A.No.II**

Sri.BSS, counsel for Plaintiffs has filed this suit against the defendants seeking for the relief of Permanent injunction along with I.A.No.II seeking for ex-parte ad-interim order of temporary injunction against the defendants restraining the defendants from interfering with the peaceful possession of plaintiffs over the suit schedule property till disposal of the suit.

It is stated in the accompanying affidavit of IA that, plaintiffs are the owners and in possession, enjoyment and personally cultivating the land bearing Sy. No.205/2 measuring to an extent of 3.39 acres and the 2<sup>nd</sup> defendant is the owner in possession of the land bearing Sy. No.205/1 measuring to an extent of 4.00 acres situated at Kothegala village. The 5<sup>th</sup> defendant sold the land bearing Sy. No.206/3 measuring to an extent of 2.00 acres situated at Kothegala village in favor of the 7<sup>th</sup> defendant. At the time of sold the above said lands in favor of 7<sup>th</sup> defendant, the 5<sup>th</sup> defendant measure the land bearing Sy. No.206/3 including the pathway and registered the sale deed in favor of 7<sup>th</sup> defendant. After purchasing the same, the 7<sup>th</sup> defendant trying to close the pathway.

The defendant No.4 and 6 also trying to close the pathway. The said pathway is the public pathway and these plaintiffs and defendant No.4 to 7 and other public of Kothegala village used the said pathway. The defendant No.3 to 7 have no exclusive right or title whatsoever over the said pathway. Such being the case, the 4<sup>th</sup> defendant colluded with the 3<sup>rd</sup> defendant and trying to close the pathway. The plaintiffs have made out prima facie case and the balance of convenience lies in their favor. Hence, this application seeking temporary injunction.

In support of their claim, the plaintiffs have furnished RTC extracts, MR extract, Tax paid receipts, patta book and Certified copy of sketch.

Heard, learned counsel for the plaintiffs. 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, I proceed to pass the following:

### **ORDER**

Issue emergent notice on IA.No.II and suit summons to the defendants, if PF paid.

R/by 29.04.2025

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