

Orders on I.A.No.1

Sri.RAM, counsel for Plaintiff has filed this suit against the defendants for the relief of declaration along with I.A.No.1 seeking for ex-parte ad-interim order of temporary injunction against the defendants to restrain them for interfering with the suit schedule property till disposal of the suit.

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

Plaintiff further submits in the affidavit that, the suit schedule property originally granted to the father of plaintiff Basappa S/o Basappa. He was living in a joint family consisting his brothers. He was acting as kartha. Later the property was partitioned between the father of plaintiff and his brothers. Then the property fallen to the share of father of plaintiff is divided among the plaintiff and his brother. The defendant No.1 in collusion with revenue authorities manipulated and changed the entries in revenue records to his name. Hence, plaintiff filed suit against the defendants.

Perused the IA affidavit and records and found that plaintiffs made out a prima-facie grounds to issue ex-parte temporary injunction, if notice IA No.1 issued first instance it would cause un-necessary

delay. Which leads to multiplicity of proceedings. If suit is very purpose filing of the suit will be defeated. Therefore, the plaintiff accordingly made out the prima-facie case passing ex-parte Temporary Injunction. Therefore this Court considered opinion that to pass the following,

Order

I.A.No.1 filed by the plaintiff under Order 39 Rule 1 and 2 of Civil Procedure Code, for ex-parte ad-interim of temporary injunction is hereby partly allowed till next date of hearing.

The defendants, agents or any other persons acting in their behalf not to interfere with the possession of plaintiff in the suit schedule property till next date of hearing.

Plaintiff shall comply provision U/s.39 Rule 3A of C.P.C.

Issue Ex-parte T.I. Notice on I.A. and suit summons to the defendants.

R/by

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