

## **ORDERS ON I.A. NO. I**

The Plaintiffs have filed this suit against the Defendant for the relief of permanent injunction restraining him from interfering with their peaceful possession and enjoyment of the suit schedule property and other allied reliefs.

The Plaintiffs have filed I.A. No. I U/O Order XXXIX Rule 1 and 2 of CPC seeking an ad-interim Order of temporary injunction restraining the defendant, his agents, servants and relatives from interfering with their peaceful possession and enjoyment of the suit schedule property pending disposal of the suit.

Perused the Plaint averments, the I.A filed and connected affidavit sworn to by the Plaintiff No.1 and the documents appended to the list. In affidavit accompanying to the I.A. No. I the plaintiff No.1 has sworn to an affidavit and stated that they are the absolute owner in possession of the suit schedule property, as they acquired the same through their mother Smt.Rathnamma. It is further stated that originally the suit schedule property belonged to their mother Smt.Rathnamma. After her death, themselves and their father late Shivarajappa have succeeded the

said property. On 16.11.2020 their father has died leaving them as sole legal heirs. After his death, the revenue records were mutated in their names and they become the absolute owner in possession and enjoyment of the suit schedule property. However, though the Defendant has no manner of right, title or interest over the suit schedule property, he is interfering with their peaceful possession and enjoyment of the suit schedule property. Hence, this application.

After perusing the materials on record and the documents produced by the Plaintiffs, the court at this stage is satisfied about the existence of the prima-facie case and balance of convenience in favour of the Plaintiffs. If an exparte order of Temporary Injunction restraining the Defendant from interfering with the Plaintiffs peaceful possession and enjoyment of the suit schedule property as sought for in the I.A. No.I is not granted, the very object of granting injunction would be defeated by the delay and it would lead to multiplicity of proceedings and the plaintiffs would suffer irreparable loss and injury. Hence, I proceed to pass following order:

**ORDER**

As per I.A.No.I the Defendant is hereby restrained by Interim Order of

Temporary Injunction from interfering with Plaintiffs peaceful possession and enjoyment of the suit schedule property till next date of hearing.

The Plaintiffs shall comply with the provisions contemplated U/O 39 Rule 3 of CPC.

Issue Temporary Injunction Notice of I.A. No. I and Suit Summons to the Defendant.

Call on 19.07.2025.

**Civil Judge & JMFC.,  
H.D.Kote.**