

Orders on I.A.No.1

Sri.KN, counsel for Plaintiff has filed this suit against the defendants for the relief of permanent injunction along with I.A.No.1 seeking for ad-interim order of temporary injunction against the defendants restraining them from interfering with the peaceful possession of plaintiff over the suit schedule item No.2 property till disposal of the suit.

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

The plaintiff further submitted in the affidavit that, the suit schedule property bearing Sy. No.45 which is standing in the name of mother of plaintiff Smt.Jayamma to the extent 3.32 guntas. In the said property, the plaintiff has got share of 0.36.08.00 guntas bearing Sy. No.45/3, likely the 1st defendant and one Suresh have also got share of 0.36.08.00 guntas each in a panchayath paluparikath dated 28.10.1995. The plaintiff is in possession of his share of property since 25-30 years with khatha in his name through MRH 14/2005-06 dated 05.04.2006. In the said paluparikath it was decided between themselves that an vacant space of 9 feet shall be used for road. But the defendants are causing obstruction to the plaintiff to

use the said road. Hence, the plaintiff has filed requisition before Tahasildar, H.D. Kote for granting permission to use the said road i.e., suit item No.2 as path to proceed towards his suit item No.1 property. But the defendants abused the plaintiff in filthy language and did not allow him to use suit item No.2 property road.

In support of his version, plaintiff has furnished panchayath paluparikath dated 28.10.1995, RTC extract, tax paid receipt, police complaint copy, NCR, acknowledgment, photos and CD.

Perused the IA affidavit and records and found that plaintiff 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 allowed till next date of hearing.

The defendants, agents or any other persons acting in their behalf are hereby restrained from interfering with the

peaceful possession of plaintiff in the suit
schedule item No.2 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.