

O.S. 441/2024

IA No.1 is filed by the applicant/plaintiff U/o 39 R-1 and 2 of CPC., seeking an order of ad-interim ex-parte temporary injunction restraining defendants and their servants, agents or anybody claiming under them from putting up any water tank towards the eastern side of the plaint 'A' and 'B' schedule properties any manner till the final disposal of present suit in the interest of justice and equity.

2. Heard the learned counsel for the applicant/plaintiff. Perused the plaint averments, affidavit, annexed to IA No.1 and also other materials placed before this court.

3. The above suit is filed by plaintiff against defendants for the relief of Permanent injunction and other reliefs.

4. Further as per the endorsement made in order sheet there is no caveat pending in respect of application schedule properties.

5. At this stage the applicant/plaintiff has made out sufficient grounds and prima-facie case so as to protect his right and interest over the application schedule properties. The very object of granting injunction would be defeated by delay if the relief sought is not granted in favour of the plaintiff. Hence, in the opinion of this court notice on IA No.1 to defendants as contemplated U/o 39 R-3 of C.P.C. is hereby dispensed with. Hence, this court proceed to pass the following:

ORDER

Defendants or anybody acting on their behalf are thereby restrained from putting up any water tank towards the eastern side of the plaint 'A' and 'B' schedule properties by way of an ad-interim ex-parte temporary injunction order.

This order shall remain in force till defendants filing their written statement and objections.

Office is directed not to issue the certified copy of this order until compliance with order 39 R-3 of CPC.

Issue orders on IA No.1 along with suit summons to Defendants.

Returnable by: 24.09.2024

(Chandan.S)
Prl. Civil Judge & JMFC.,
K.R.Nagar.