

ORDER ON IA NO.2 FILED U/O 39 R-1 AND 2 OF CPC

1. IA No.2 is filed by the applicant/plaintiff U/o 39 R-1 and 2 of CPC seeking an ad-interim ex-parte order of temporary injunction restraining defendant No.1, his agents or legal heirs from interfering with the peaceful possession of applicant/plaintiff over the application schedule property pending disposal of the above 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.2 and also other materials placed before this court.

3. The above suit is filed by plaintiff against defendants for the relief of Declaration and Permanent Injunction.

4. On careful perusal of affidavit averments and documents available on record it goes to show that, 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 suit schedule property. In order to avoid multiplicity of proceedings, further the very object of granting injunction would be defeated by delay. Hence, notice on IA No.2 to defendant as contemplated U/o 39 R-

3 of C.P.C. is hereby dispensed with being of the above opinion. Hence, this court proceed to pass the following:

ORDER

Pending disposal of IA No.2 defendant No.1, their agents or legal heirs and persons claiming under them are hereby restrained from interfering in to applicant/plaintiff's peaceful possession and enjoyment over the application schedule property by way of an ad-interim ex-parte temporary injunction order.

This order shall remain in force till defendant filing his written statement and objections.

Office is directed not to issue the certified copy of this order until complied with order 39 R-3 of C.P.C.

Issue emergent notice to defendant in respect of IA No.2.

Issue ad-interim temporary injunction order in respect of IA No.2 and also issue suit summons to defendants returnable by 17/12/2022

(Gayatri)
Addl. Civil Judge & JMFC.,
K.R.Nagar.