

ORDERS ON I.A.NO.1

The plaintiff has filed this suit for Permanent Injunction in respect of suit schedule property. Along with plaint, the plaintiff has also filed I.A.No.1 U/O.XXXIX Rules 1 and 2 of C.P.C., seeking an ad-interim Temporary Injunction against the defendants, their agents, servants or anybody acting on their behalf from not to interfere in his peaceful possession and enjoyment over the suit schedule property till disposal of the suit.

Heard the learned Counsel for plaintiff and perused the materials on record. Perused the plaint averments, documents and affidavit filed in support of IA.No.1. In the affidavit filed in support of IA.No.1 the plaintiff has stated that, he acquired the suit schedule property through his ancestors. He is in peaceful possession and enjoyment over the suit schedule property by constructing residential house. He has also obtained Electricity connection from CHESCOM and he regularly paying the Tax to the concerned department. The defendants have no manner of right and title over the suit schedule property and they are trying to interfere in his possession over the suit schedule property. In this regard panchayath was conveyed in the village but, the defendants did not stop their illegal interference. Hence, he has no efficacious remedy accordingly she approached this Court for necessary relief.

The plaintiff in his affidavit has further stated that, he has made out a prima-facie case and

balance of convenience lies in his favour and if ad-interim temporary injunction is not granted as prayed in I.A.No.I, he will be put to irreparable loss. Hence, the plaintiff has prayed temporary injunction as sought in I.A.No.I.

As per Rule 3 of Order 39 of the C.P.C., the power to grant an ex parte-interim injunction in exceptional circumstances based on sound judicial discretion to protect the plaintiff from appended injury may be granted.

It is well settled that, while granting injunction plaintiffs must show:-

- i. Existence of prima-facie case,
- ii. Balance of convenience and
- iii. The injury must be of an irreparable

loss that cannot be compensated in terms of money.

In the present case in order to grant an ad-interim temporary injunction, the plaintiff has produced RTC extracts, Tax paid receipt and Photographs. On perusal of Column No.9 and 12 of RTC extract shows that plaintiff's name has been reflected. Further the photographs shows that plaintiff has constructed residential house in the property. These documents prima-facie shows that plaintiff is in possession over the suit schedule property. Since there is an apprehension with regard to interference, hence at this juncture, the plaintiff has made out grounds that, if temporary injunction order is not granted, the very purpose of filing this suit will be defeated and he will be put to

irreparable loss and on the contrary no kind of loss will be caused to the defendants.

At this stage, this Court satisfied with the prima-faice case, in view of RTC extracts, Tax paid receipt and Photographs produced by the plaintiff. The balance of convenience is also satisfactory. Accordingly, in the ends of justice and to avoid multiplicity of proceedings, this Court proceed to pass the following:-

ORDER

Issue exparte ad-interim
Temporary Injunction order against
the defendants from not to interfere
with the plaintiff's peaceful possession
and enjoyment over the suit schedule
property till next date of hearing.

The plaintiff shall comply Order
39 Rule 3(a) of C.P.C. However, the
plaintiff shall file compliance affidavit
and after compliance office is directed
to issue T.I. order.

Issue notice on I.A.No.I, exparte
T.I. order to defendants and suit
summons to defendants.

Returnable by 26.06.2025

Prl. Civil Judge & J.M.F.C.,
NANJANGUD.