

### **ORDERS ON I.A.NO.1**

The plaintiffs have filed this suit for the relief of Permanent Injunction. Along with plaint, the plaintiffs have 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 or anybody on their behalf from interfering with the plaintiffs peaceful possession and enjoyment of the suit 'B' schedule property till disposal of the suit.

Heard the learned Counsel for plaintiffs and perused the materials on record. In the affidavit filed in support of IA.No.1 the 1<sup>st</sup> plaintiff has sworn to that he alongwith 2<sup>nd</sup> plaintiff are in possession over the suit 'A' and 'B' schedule properties. The defendant has no right over the suit schedule properties. That on 09.01.2026 when he constructed cow shed the defendant caused obstruction. In this regard he filed complaint to the police station and police have issued an endorsement that the dispute is civil in nature. Hence, he approached this Court for necessary relief.

The 1<sup>st</sup> 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 he 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 plaintiff 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 plaintiffs have produced Tax paid receipts, Encumbrance Certificate, Photographs and CD. On perusal of photographs prima-facie shows that the plaintiffs have constructing shed in the 'B' schedule property. Since there is an apprehension with regard interference over the suit 'B' schedule property, hence at this juncture, the plaintiffs have made out grounds that, if temporary injunction order is not granted, the very purpose of filing this suit will be defeated and they 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 Tax paid receipts, Encumbrance Certificate, Photographs and CD produced by the plaintiffs. 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 defendant from not to interfere  
with the plaintiffs peaceful possession  
and enjoyment over the suit 'B'  
schedule property till next date of  
hearing.

The plaintiffs shall comply Order  
39 Rule 3(a) of C.P.C. However, the  
plaintiffs 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 10.04.2026.

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