

Case Called out.

The learned Counsel Sri.KSM. advocate for the plaintiff is present and filed memo with documents.

Heard Sri.KSM advocate for plaintiff on I.A. No. 1.

Perused plaint averments, I.A., affidavit and documents placed on record.

The plaintiff filed this suit for Permanent Injunction against

defendants. The suit property is a vacant site.

I.A. No.1 filed under order 39 Rule 1 & 2 seeking ad-interim exparte temporary injunction as against the defendants thereby restraining the defendants or anybody on their behalf from interfering with the suit schedule property in any manner till the disposal of the above suit.

Plaintiff No.2 sworn to the affidavit stating that, they are in actual possession and enjoyment of the suit schedule property as per sale deed.

He stated if the application is not allowed, the plaintiff would be put to great hardship and injury. Further if the appropriate order is not passed restraining defendants from interfering with the peaceful possession of the suit schedule property the very purpose of filing of this suit will be frustrated. If temporary injunction not granted it would leads to multiplicity of proceedings. If the application is allowed, no hardship or loss would cause to the other side.

On considering the pleadings, IA, affidavit, and documents placed on record at this stage of the suit, this court is satisfied to say that the

plaintiff has made a prima facie case against the defendants.

Hence, in order to safe guard the interest of the plaintiff and to avoid the multiplicity of the proceedings and also to keep the property intact, it is just and necessary to pass the interim order on I.A. No.1 by dispensing the issuance of notice to the defendants.

Hence, I proceed to pass the following:

:: ORDER ::

The defendants and men on their behalf are hereby restrained by way of Exparte Temporary Injunction from interfering with the plaintiff's peaceful possession over the suit schedule property till the next date of hearing.

Issue Exparte Temporary Injunction order as against the defendants after due compliance of order 39 Rule 3 by the Plaintiff.

Issue notice on IA No. 1 to defendants and suit summons to defendants through RPAD.

Call on by 06.02.2018

I Addl. Civil Judge & JMFC.,
Nanjangud