

Orders on IA No. I

The plaintiffs have filed the present suit seeking the reliefs of eviction and permanent injunction.

Heard. Perused the materials on record. The plaintiffs have filed IA No.I seeking ad interim exparte order of temporary injunction restraining the defendant from causing any damage to the suit schedule property and other valuable belongings of the plaintiffs.

It is the case of the plaintiffs that they are the absolute owners of the suit schedule property. The 1st floor was given to the in-laws of the plaintiff No. 1 for their stay. Their son namely Hariprasad got married to the defendant. The defendant's husband requested the plaintiffs that he was in need of premises for his urgent stay and on his request, the plaintiffs allowed the defendant and her husband to stay in the 1st floor on the rental basis on the oral agreement and the rent was fixed at Rs. 10,000/- per month. The defendant and her husband have matrimonial disputes. There was a complaint against the defendant in this regard lodged before the police. The plaintiffs requested the defendant and the in-laws of the defendant NO. 1 to vacate the house which was declined. The plaintiffs had lodged a complaint. Thereafter, the defendant, her husband along with in-laws of the plaintiff NO. 1 left the house and handed over the keys to the plaintiffs on 01.05.2020. It is alleged that on 29-05-2020, the defendant along with her 2 year old son forcefully tried to enter the premises by breaking open the gate. The defendant

has pelted stones and has caused damage to the window panes and CC TV camera. Somehow, the defendant trespassed into the 1st floor of the suit schedule property and is staying therein.

The plaintiffs have produced copy of sale deed, EC, katha certificate, tax paid receipts, electricity bills, photographs, NCR, legal notice and postal receipts.

The plaintiffs have apprehended that the defendant is causing damage to the suit schedule property by acquiring possession over the suit schedule property illegally. The plaintiffs have produced materials to show their rights and possession over suit schedule property. This court is satisfied that issuance of notice on IA No. I would defeat the object of granting the injunction as the plaintiffs apprehend damage to the suit schedule property by the defendant, if not restrained would cause injury and loss to the plaintiffs' right. Hence, this court proceeds to pass the following:

ORDER

Exparte ad-interim order of temporary injunction is granted in favour of the plaintiffs restraining the defendant, her agents, men, attorney holders and legal representatives from causing any damages to the suit schedule premises, till next date.

Considering the existing pandemic situation, as a matter of caution, it is made clear that this order shall not be construed as an order to dispossess the defendant from the portion of suit schedule premises without due process of law.

The plaintiffs have to comply the provisions of Order 39 Rule 3 of CPC.

The plaintiffs/ their counsel shall send the soft copy of the compliance affidavit to the prescribed mail id of this court, in addition to usual course of compliance.

Issue notice on orders on IA NO. I and suit summons to defendant after compliance of Order 39 Rule 3 of CPC.

Returnable by 10.09.2020.

C/c Principal Civil Judge,
Bangalore Rural District,
Bangalore.