

### **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, their agents, servants or anybody acting on their behalf from not to interfere in their peaceful possession and enjoyment over the suit 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 originally suit schedule property was fell to the share of Smt.Paravathamma W/o Late Mahadevappa and said Smt.Paravathamma was

sold the suit schedule property to the 2<sup>nd</sup> plaintiff on 28.10.2024. Thereafter, khatha has been transferred in the name of 2<sup>nd</sup> plaintiff he is in possession and enjoyment over the suit schedule property. She further stated that the 2<sup>nd</sup> plaintiff had love and affection on her, accordingly he has executed a registered Gift Deed in her favour in respect of suit schedule property. Accordingly khatha has been transferred in her name. That on 11.09.2025 at 12.00 p.m., the defendants caused obstruction to the cultivation of suit schedule property. In this regard the 2<sup>nd</sup> plaintiff lodged the complaint before the Hullahalli Police Station, but they have not taken any action and advised him to approach Civil Court since dispute is predominately in civil in nature. Hence, she approached this Court for necessary relief.

The 1<sup>st</sup> plaintiff in her affidavit has further stated that, she has made out a prima-facie case and balance of convenience lies in her favour and if ad-interim temporary injunction is not granted as prayed in I.A.No.I, she will be put to irreparable loss. Hence, the 1<sup>st</sup> 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 exparte-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 RTC extracts, Endorsement and Acknowledgment issued by Hullahalli Police, copy of Gift Deed dated 14.02.2025, copy of Sale Deed dated 28.10.2024, Hand written RTC extracts, Mutation Register extracts. Perused the plaint averments, documents and affidavit filed in support of IA.No.1. On perusal of Column No.9 of RTC extract show that the 1<sup>st</sup> plaintiff name has been reflected on the basis of Gift Deed and it prima-facie shows that the plaintiff s are in possession over the suit schedule property. Since there is an apprehension with regard interference over the suit 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 RTC extracts, Endorsement and Acknowledgment issued by Hullahalli Police, copy of Gift Deed dated 14.02.2025, copy of Sale Deed dated 28.10.2024, Hand written RTC extracts, Mutation Register extracts 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 defendants from not to interfere with the plaintiffs peaceful possession and enjoyment over the suit 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.1, exparte T.I. order to defendants and suit summons to defendants.

Returnable by 06.11.2025.

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