

COMMON ORDERS ON I.A.NO.II AND III

The plaintiff has filed this suit against the defendants for the relief of Declaration and Permanent Injunction in respect of the suit schedule property.

2. The plaintiff has also filed I.A.No.II U/O.39, Rule 1 and 2 of C.P.C and I.A.No.III U/O.39, Rule 1 and 2 of C.P.C., praying to grant ex-parte ad-interim temporary injunction order against the defendants by restraining them, their agents, representatives or any other person acting under the defendants from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property and from alienating the suit schedule property in any manner till pending disposal of the suit.

3. The plaintiff has produced the copy of Index of land, R.T.C extracts, copy of Sale Deed dated:04.06.1975, copy of Sketch, Mutation register extract, Orders passed in R.A No.76/2019 by the District Commissioner, Mysuru, copy of Revision Petition No.21/2022 and Photographs.

4. On perusal of the pleadings and documents filed by the plaintiff, it is crystal clear that presently R.T.C extracts of the I.A./suit schedule property is standing in the name of father of the defendants on the basis of order passed by the Assistant Commissioner, Mysuru in R.A No.76/2019. Further, on perusal of R.T.C extracts, which are disclosed that, from the year

1999-2000 to 2020-21 the R.T.C extracts were standing in the name of plaintiff. Thereafter, on the basis of order passed by the Assistant Commissioner, Mysuru the Khatha of the suit schedule property has transferred in the name of father of the defendants. Further, it prima facie disclosed that, the plaintiff is in possession of the suit schedule property and the defendants are interfering with the plaintiff's peaceful possession and and enjoyment of the suit schedule property and alienating the suit schedule property on the basis of alleged order passed by the Assistant Commissioner, Mysuru. At this stage, this Court is of the opinion that, the plaintiff has made out prima-facie case to grant temporary injunction. If temporary injunction is not granted as prayed, the purpose of filing the suit would be defeated and also it would cause hardship and inconvenience to the plaintiff. Thus, ex-parte temporary injunction may be granted by dispensing with the notice to the defendants on I.A.No.II and III as the very object of granting injunction would be defeated by delay if notice is issued. Therefore, by considering the facts and circumstances, I proceed to pass the following:-

ORDER

Issue ad-interim temporary injunction against the defendants by restraining them, their, agents, representatives or any other person acting under the defendants are hereby restrained from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property. Further, the defendants by restraining them, their,

agents, representatives or any other person acting under the defendants are hereby restrained from alienating the suit schedule property in any manner till next date of hearing.

The plaintiff is hereby directed to compliance under Order 39 Rule 3(a) of C.P.C.

Issue T.I Order on I.A.No.II & III and suit summons to the defendants.

Returnable by:12.09.2023.

**Addl. Civil Judge & J.M.F.C.,
T.Narasipura. ****