

O.S No.157/2024

Counsel for plaintiff present.

Heard on I.A No.II.

For orders.

ORDER

Heard Advocate for Plaintiff on I.A.No.II.

Perused the plaint averments, documents and affidavit filed in support of I.A.No.II.

I.A.No.II is filed U/o.39 Rule 1 and 2 C.P.C claiming an order of ad-interim order of temporary injunction.

Plaintiffs filed suit for the relief of declaration to declare that plaintiff is the absolute owner and in possession of the suit property and for the consequential relief of permanent injunction against the defendants to restrain them from causing interference with respect to peaceful possession and enjoyment of the suit property. It is alleged that, the father of the plaintiff has purchased the suit property from his vendor Sri.Siddamallikarjunaswamy through register sale deed dated 15.07.1968 and due to his illiteracy, he has not mutated his name in the revenue records with respect suit property. Under this circumstances the legal heirs of the deceased vendor i.e., Smt.Shivamma in collusion with revenue authority as executed register sale deed dated 08.12.2011 in favour of defendant No.1 with respect suit property. The said sale deed

O.S No.157/2024

does not confer any title to defendant No.1 as such the said sale deed dated 08.12.2011 is not valid and same is not binding on the plaintiff. Under these circumstances on the basis of the said sale deed dated 08.12.2011, the defendant No.1 kept an evil eye over the suit property and in the malafied intention to grab the suit property, she is causing interference with respect to the peaceful possession and enjoyment of the suit property by the plaintiff. The apprehension of the plaintiff is that, on the basis of the said sale deed dated 08.12.2011 the defendant No.1 is causing alleged interference, if defendant No.1 continued in her venture, then he will be put to hardship and jeopardized. Hence, this present I.A.

By considering the materials on record at this stage, I found an arguable case to pass an interim order on I.A.No.II.

In view of the urgency and apprehension shown by Plaintiff, I feel that an exparte interim order has to be passed on I.A.No.II by dispensing with the notice to the defendants. Hence, I proceed to pass the following interim order on I.A.No.II.

ORDER

Exparte Temporary Injunction is granted
as prayed in I.A.No.II.

The defendant No.1 is hereby
restrained from in any manner causing

O.S No.157/2024

interference with respect to peaceful possession and enjoyment of the suit property by the plaintiff.

The order shall be in force till next date of hearing.

Issue Exparte order of temporary injunction if provision of order 39 Rule 3(a) & (b) of C.P.C is complied with.

After due compliance issue emergent notice on I.A.No.II, T.I Order and suit summons to the defendants.

For appearance of defendants by :
23.08.2024.

**Civil Judge & JMFC.,
T.Narasipura.**