

O.S No.237/2024

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.

Plaintiff filed suit for the relief of permanent injunction against the defendant to restrain him from causing interference with respect to peaceful possession and enjoyment of the suit property. It is alleged that, Executive Officer of Taluk Panchayath, T.Narasipura granted the Hakku Patra in favour of plaintiff No.1 and her husband Sri.Dasaiah with respect to suit property. The said Sri.Dasaiah died living behind his wife plaintiff No.1 and his son plaintiff No.2 as his legal heirs and thereafter they have inherited the suit property and plaintiff No.1 as mutated her name in the panchayath record with respect to suit property and obtained demand register and paid property tax, as such plaintiffs are the absolute owner and in peaceful possession of the suit property. The defendant is neighbour and adjoining land owner of this suit property and he is not having any rights, title or interest

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over the suit property. Under this circumstances the defendant kept an evil eye over the suit property and in the malafied intention to grab the portion of suit property, he is causing interference with respect to the peaceful possession and enjoyment of the suit property by the plaintiffs. Therefore, plaintiffs are requested the defendant not to continue in his venture, but he has not heeded their words and continued in his venture.

The apprehension of the plaintiffs is that, if the defendant is continued in his venture, then they 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 defendant. Hence, I proceed to pass the following interim order on I.A.No.II.

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ORDER

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

The defendant is hereby restrained from in any manner causing 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 defendant by :
27.09.2024.

Civil Judge & JMFC.,
T.Narasipura.