

ORDERS

The plaintiff has filed this suit against the defendants for the relief of Permanent Injunction and also has filed I.A No.II under Order 39 Rule 1 & 2 of C.P.C seeking Ad-interim Ex-parte order of Temporary Injunction restraining the defendants, their agents, servants or any other persons claiming through them from interfering with the plaintiff's peaceful possession and enjoyment of the suit schedule property.

2. The sum and substance of the affidavit accompanying the IA.No.II is that, the plaintiff is the absolute owner of the suit schedule property by virtue of registered sale deed dated 19.11.2019 and subsequent to his purchase he has transferred the khata in his name vide MRH No.81/2019-20 and he is in possession and enjoyment of the suit schedule property without any interference from whomsoever. On 04.02.2023 the defendant without having any iota of right, title or interest whatsoever over the suit schedule property trying to interfere with the plaintiff's peaceful possession and enjoyment

which was duly intimated to the Bannur police station who directed the plaintiff to approach the civil court as the nature of dispute is civil. The plaintiff having no other efficacious remedy has filed this present suit, as well as present application seeking the relief.

3. In support of his case the plaintiff has produced original sale deed dated 18.11.2019. The perusal of the said document tallies with the plaint schedule property, even the RTC in respect of the suit schedule property stands in the name of plaintiff. Encumbrance corroborates the execution of sale deed in favour of the plaintiff. The mutation also stands in the name of plaintiff, even the Patta Book, as well as the Tax paid receipts stands in the name of the plaintiff. At this juncture the plaintiff has made out satisfactory grounds and prima-facie case for grant of relief as prayed. If notice is issued to the defendants the very purpose of filing of the suit would be defeated by delay. Moreover, the acknowledgement issued by the Bannur police supports the case of the plaintiff. In view of the same, I proceed to pass the following ;

ORDER

The defendants, their agents, servants, or any other persons claiming interest through them are hereby restrained by an order of Ad-interim Ex-parte Temporary Injunction from interfering with the plaintiff's peaceful possession and enjoyment of the over the suit schedule property until next hearing date.

The plaintiff is directed to comply the provisions of order 39 Rule 3(a) of CPC,.

Issue Emergent notice on I.A No.II and suit summons to the defendants.

Call on : 24.05.2023.

Civil Judge & JMFC, T.Narasipura.