

Orders on I.A.No.II

Sri.M.G., counsel for Plaintiffs has filed this suit against the defendants for the relief of possession and mandatory injunction along with I.A.No.I seeking for ex-parte ad-interim order of temporary injunction against the defendants restraining the defendants from preventing access, creating obstruction or putting up any construction in the encroached parcel of the land of plaintiffs over the suit schedule property till disposal of the suit.

It is stated in the accompanying affidavit of IA that, plaintiffs are joint absolute owners and in lawful possession of the land bearing Sy. Nos.132/1 and 132/11 , situated at Dashavara illage, Maluru Hobli, Channapatna Taluk, is the subject matter of the suit. Plaintiff's have acquired the same the suit property through lawful means and revenue records stands in their name. They are senior citizen aged 77 and 68 respectively, and they visit and manage the suit lands regularly through caretakers and by themselves. In the month of March 2025, The defendant No.1 with deliberate mala-fide intention and by taking undue advantage of the plaintiffs old age, unlawfully encroached upon the land parcel situated to the North-East of Sy No.132/1 which is part of same Survey number

thereby obstructing the access to plaintiff's property. Additionally defendant No.2 and 3 have encroached upon the North-Western portion of plaintiffs land bearing Sy No.132/1 to an extent of 0.01 gunta and have commenced unauthorized activities including dumping of debris and trespassing, thereby disturbing peaceful possession of plaintiffs over the suit schedule land. The defendants does not have semblance of right or interest over the suit property and they have never in possession of the suit property. The defendants have not stopped their illegal acts and try to cause obstruction in movement of the plaintiff. Without the aid of this Court, this plaintiff cannot resist the illegal and unlawful acts of the defendants. Hence, this application seeking temporary injunction.

In support of their claim, the plaintiffs have furnished digital copy of computerized RTC extracts, digital copy of Form No.16 or Encumbrance Certificate, digital copy of Haddu Basthu, copy of rough sketch and mutation extract.

Heard, learned counsel for the plaintiffs. Perused the plaint averments, I.A. & Affidavit and supported documents.

On perusal of the records, the defendants presence is necessary before granting the ex-parte temporary injunction. Hence, I proceed to pass the following:

ORDER

IA No.I is dismissed and Issue emergent notice on IA.No.II and suit summons to the defendants, if PF paid.

R/by 28.07.2025.

Sd/-

Addl.Civil Judge & JMFC.,
Channapatna.