

**ORDERS ON I.A. NO.I and II**

IA No.I and II filed u/O 39 Rule 1 and 2 of CPC seeking for grant of exparte Temporary injunction against defendants.

Heard, perused the plaint. I.A. No.I and II its enclosed affidavit and documents produced by plaintiff.

The plaintiff has made out prima-facie case for grant of exparte ad-interim injunction.

If notice on I.A. No.I and II is ordered, it would be defeat the very object of grounding the ex-party injunction by delay.

There is allegation that defendants are trying to alienating, encumbering or creating 3<sup>rd</sup> party right over the suit schedule properties. Hence due to urgency, notice of I.A. No.I and II is dispensed with.

The counsel for the plaintiff has relied upon the following decisions:

1. AIR 1995 Rajasthan 17 M/s Lakhara and Company V/s Shivakaran Bhanwar Lal Kil.
2. AIR 2004 CAL 310 Sachiprasad Mukherjee V/s Pampa Kumar and Others
3. 1997(2) SCC 212 Jagannath Kashinath Patil V/s Narayan Balugaikar
4. AIR 1983 SC 712 Gangubai Babioa Chaudhary and Others V/s Sitaram Balachandra Sukhtankur and Others
5. ILR 2007 KAR 1214 T.K.Gowramma V/s C.K.Raviprasanna
6. ILR 1999 KAR 1451 Sathyam @ Ramaiah and Others V/s Karnataka Milk Fedaration Co-operative Limited
7. AIR 1978 AP 103 Sakala Bhaktula Vykunta Rao and others V/s Made Appalaswamy.

Heard the arguments from plaintiff side.

Ad interim ex-party injunction is granted in favour of plaintiff by restraining the defendants, their agents, servants, etc., from alienating and create encumbering the suit schedule properties till appearance of the defendants.

The plaintiff shall comply orders-39 Rule 3A of CPC and shall furnish sufficient Process Fee.

Office is directed that copy of order shall not be issued to any one including the plaintiff, until plaintiff complies with Order 39 Rule 3A of CPC.

It is made clear that, this order shall automatically stand vacated, in case of plaintiff does not comply the provisions of Orders 39 Rule 3A of CPC strictly and does not furnish sufficient process fees and copies of IA.

Issue summons to defendants and notice to defendants on IA No.I and II and TI order through RPAD if furnished.

R/By 28.02.2022

Sd/-  
Prl. Civil Judge & JMFC.,  
Channapatna.