

The present suit is filed by the plaintiff against the defendant seeking relief for declaration of ownership, in respect of 'A' schedule property and mandatory injunction in respect of 'B' schedule property. The plaintiff also maintained an application U/o 39 Rule 1 and 2 of CPC seeking ad-interim temporary injunction against defendant from being put up further construction of the house in the encroached portion of suit schedule property marked as ABEF portion in the rough sketch of the plaint pending disposal of the suit.

In support of his contention, the plaintiff has produced several documents pertaining to suit schedule properties. I have perused the averments made in the affidavit, plaint and documents relied by the plaintiff. It appears from the photographs produced by the plaintiff it reveals that substantial construction work of wall and pillar has been raised in the alleged encroached portion and therefore

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at this juncture, the court opines that intended order can not be granted without securing the presence and say of the defendant. Hence, I proceed to pass the following:-

ORDER

Issue emergent notice of I.A. No.I and suit summons to the defendant through ordinary service as well as RPAD if plaintiff has taken proper steps in accordance with law.

Call on:19.02.2021.

Sd/-

**II Addl. Civil judge & JMFC.,
Kanakapura.**