

KARN320009882020



**IN THE COURT OF PRL CIVIL JUDGE AND JMFC,**  
**KANAKAPURA**

**Present:**

**Sri. Suresh Annappa Savadi, B.A., LLB., (Spl.)**  
**Civil Judge & JMFC, Kanakapura**  
**O.S.No.190/2020**

**Dated this the 17<sup>th</sup> day of January 2023**

**PLAINTIFF:**

1. Sri. S. Umesh

**-Versus-**

**DEFENDANTS:**

1. Sri. Siddaiah and others

**PARTIES ON I.A.I**

**APPLICANT:**

**plaintiff**

1. Sri. S. Umesh

**-Versus-**

**OPPONENT:**

**defendants**

1. Sri. Siddaiah and others

**PARTIES ON I.A.IV****APPLICANT:**  
**defendants**

1. Sri. Siddaiah and others

**-Versus-**

**OPPONENT:**  
**plaintiff**

1. Sri. S. Umesh

**ORDER ON I.A.No.I AND IV**

The plaintiff filed I.A.No.1 under Order 39 rule 1 and 2 r/w Sec.151 of CPC to restraining the defendant from interfering the peaceful possession and enjoyment of the suit schedule property of the plaintiff.

The defendants filed I.A.No.IV under Order 39 rule 1 and 2 r/w Sec.151 of CPC to restraining the plaintiff from interfering the peaceful possession and enjoyment of the property of the defendant.

2. In the affidavit the plaintiff contended that, he is the absolute owner of the suit schedule property and he is in possession and enjoyment of the suit schedule property. The defendant is the adjacent land owner bearing Sy.No.200/3 measuring 2 acres towards the southern side of the suit property of the plaintiff. Without there being any right, title or interest over the suit schedule property the defendants trying to interfere the peaceful possession and enjoyment of the suit schedule

property. With these set of contentions prays to allow the application.

3. The defendant in his affidavit contended that the defendant is the absolute owner of the land bearing Sy.No.200 new No.200/3, measuring 2 acres and he is in possession and enjoyment of the same. The plaintiff is the adjacent owner trying to interfere the peaceful possession and enjoyment of the property of the defendant and the plaintiff wrongly claiming to the extent of 08 guntas of land towards southern portion of his land and northern portion of the defendant and trying to dispossess the defendant from his lawful possession. Hence prays to restrain the plaintiff from interfere peaceful possession and enjoyment of the property of the defendant.

4. Objections were filed to both applications by each other.

5. Heard the both sides.

6. The following points arises for my consideration;

1. Whether the plaintiff has made out sufficient ground to allow the I.A.No.I?

2. Whether the defendants have made out sufficient ground to allow the I.A.No.IV?

3. What order ?

7. My answered to the aforesaid points are as under;

1. Point No.1 : In the affirmative
2. Point No.2 : In the affirmative
2. Point No.3: As per final order  
for the following

8. **POINT NO.1:** The plaintiff filed this suit for bare injunction against the defendant in respect of land bearing Sy.No.200/1, measuring 1 acre 20 guntas and filed the application for interim relief of injunction against the defendant. For that after service of notice, the defendant appeared and filed his written statement along with counter claim. The defendant also filed the application for interim relief of injunction against the plaintiff.

9. After going through the both side material and considering the arguments points, it is an admitted fact that the plaintiff and defendants are the adjacent land owners. It is also admitted fact that about the ownership and extent of the lands of each other. The only apprehension of the each other is in respect of the interference against each other. Hence under such circumstances, after going through the material this court is of the opinion that the plaintiff and defendants are entitle the relief as sought in the respective applications. Hence this court answered point No.1 and 2 in the affirmative.

10. **POINT NO.3:** For the reasons stated in the Point No.1 and 2, this court proceed to pass the following;

**ORDER**

The I.A.No.I filed by the plaintiff U/O XXXIX Rule 1 & 2 r/w 151 of CPC is hereby allowed.

The defendants are restrained from interfering the peaceful possession and enjoyment of suit schedule property of the plaintiff bearing Sy.No.200/1, measuring 1 acre 20 guntas.

The I.A.No.IV filed by the defendants U/O XXXIX Rule 1 & 2 r/w 151 of CPC is hereby allowed.

The plaintiff is restrained from interfering the peaceful possession and enjoyment of the property of the defendant bearing Sy.No.200/3, measuring 2 acres.

This court further ordered that, this injunction order against each other is in force till two years or till disposal of suit which ever is earlier.

No order as to costs

(Dictated to the Steno, transcribed by her, corrected and then pronounced by me in the open Court on this the 17<sup>th</sup> day of January 2023)

**(SURESH ANNAPPA SAVADI)**

Prl. Civil Judge & JMFC.,  
Kanakapura.