

Heard the arguments canvassed by the learned counsel for plaintiff on IA.No.1. Perused affidavit annexed to said IA.

Plaintiff has filed this suit against the defendants for the relief of declaration and permanent Injunction. Wherein the plaintiff has also filed I.A. No.1 under Order 39 Rule 1 and 2 R/w Section 151 of CPC requesting the court to pass an ad interim Ex-Parte T.I order against the defendant No.1 to restrain him from making any kind of construction work in the suit schedule properties till disposal of the suit. I have perused plaint and documents filed along with IA and affidavit. **This suit is filed for Declaration and Permanent Injunction with respect to an agricultural lands.** Moreover there are no valid grounds to believe that the defendant No.1 has raised construction work in the suit schedule properties.

In view of decision **reported in AIR 1976 Karnataka 67 and recent circular issued by the**

Hon'ble High Court of Karnataka, Bengaluru, Ex.Parte Temporary Injunction cannot be granted in respect of agricultural lands without giving notice to defendants. Therefore, I am of the opinion that at this stage plaintiff has not made out prima-facie case in her favour at this stage to grant Ex-Parte ad interim TI as prayed for.

Hence this court is of the considered opinion that before passing an order it is necessary to issue notice to defendants. **Hence the prayer of the learned counsel for the plaintiff with regard to the passing of an Ex.Parte temporary injunction in respect of the suit schedule property against the defendants is hereby rejected.**

Office to issue suit summons and emergent notice on IA.No.1 and II to the defendants, if sufficient P.F is paid.

Call on : 04.09.2024.

Sd/-

C/c Prl. Civil Judge & JMFC.,
Kanakapura.