

Heard the arguments canvassed by the learned counsel for the plaintiff on I.A.No.I.

Posted for orders.

ORDERS ON I.A.No.I

The plaintiff has filed this suit against the defendant for the relief of permanent Injunction. Wherein the plaintiff has also filed I.A. No.I under Order 39 Rule 1 and 2 R/w Sec.151 of CPC requesting the court to pass an ad interim Ex-Parte T.I order against the defendant, to restrain him, his agents, servants or anybody acting on his behalf from interfering into the peaceful possession and enjoyment of the plaintiff over the suit schedule property in any manner till disposal of the suit. I have perused plaint and documents filed along with IA and affidavit. This suit is filed for permanent injunction in respect of site property.

I have carefully gone through the documents produced by the

plaintiff in support of her case. On perusal of the documents and plaint pleadings it reveals that the plaintiff has not produced the partition deed dated 16.08.1980 under which she got the suit schedule property to believe her version at this stage to grant Ex-Parte temporary injunction as sought for. There are no sufficient grounds or documents to believe that the defendant is interfering into the plaintiff's peaceful possession and enjoyment over the suit schedule property at this stage to grant Ex-parte temporary injunction as prayed for. 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 defendant. **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 defendant is hereby rejected.**

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

Call on : 05.06.2025.

Sd/-
C/c Prl. CJ & JMFC.,
Kanakapura.