

ORDERS

Plaintiff has filed this suit against the defendants for the relief of permanent Injunction in respect of suit schedule properties. Wherein the plaintiff has also filed I.A. No.I under order 39 Rule 1 and 2 of C.P.C., requesting the court to pass an ad interim exparte T.I. order restraining the defendants, their agents, servants from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property till disposal of the suit and I.A. No.II under order 39 Rule 1 and 2 of C.P.C., requesting the court to pass an ad interim exparte T.I. order restraining the defendants, their agents, servants from removing the fence, plants and trees in the suit schedule properties till disposal of the suit.

I have perused plaint and documents filed along with IAs and affidavits. It is pertinent to note that, the plaintiff is seeking the relief in respect of an agricultural

land as such, at this stage the plaintiff has not made out prima- facie case in his favour to grant Ex-Parte TI as prayed in I.A No.1 and 2.

The learned counsel for the plaintiff in support of his arguments has relied upon the Judgment of the Hon'ble High Court of Karnataka passed in CRP No.2500/1975 in the case of Gurupadayya Nagayya Horagina Versus Mahadu Arjun Nidoni and another.

I have carefully gone through the above judgment relied by the plaintiff. With due respect to the above judgment the same is not applicable to the present case on hand at this stage to consider these IAs.

The plaintiff has filed this suit in respect of an agricultural land, in view of decision **reported in AIR 1976 Karnataka 67 and recent circular issued by the Hon'ble High Court of Karnataka, Bengaluru in the year 2024** 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 his 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 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 2 to the defendants, if sufficient P.F is paid.

Call on: 07-08-2025.

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