

Heard the arguments canvassed by the learned Sri H.L.A Advocate for plaintiff on IA.No.1. Perused affidavit annexed to said IA.

Plaintiff has filed this suit against the defendants for relief of 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 defendants to restrain them, their agents, servants or anybody acting on their 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. Perused the documents produced along with the suit. This suit is filed for Permanent Injunction with respect to 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** Ex.Parte Temporary Injunction cannot be granted in respect of agricultural lands without giving notice to

defendant. 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 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.1 to the defendant, if sufficient P.F is paid.

Call on : 16.12.2024.

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