

Heard the arguments of Sri B.S.N advocate for plaintiff on IA.No.I. Perused affidavits annexed to IA.No.I.

Plaintiff has filed this suit against the defendant for the relief of permanent injunction in respect of suit schedule property. **Wherein the Plaintiff has also filed I.A.No.I 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 restraining the defendant,** from making any kind of construction towards the eastern side of the suit schedule property. It is contended that the defendant while constructing a building has encroached the road available for the plaintiff in the suit schedule property towards the eastern side. The defendant is not having any manner of right on the said road even though she has started construction work in her property by encroaching 4 feet of road towards the eastern side of the plaintiff's property. Hence it is the apprehension of the plaintiff

that if the defendant continued with the said construction work it causes irreparable loss and injustice to the plaintiff and it leads multiplicity of the proceedings. I have perused the documents produced by plaintiff. The plaintiff has produced Photostat copy of demand register extracts, received copy of petition given to Pattana Panchayathi, Harohalli and Photographs. The documents produced by plaintiff at this stage shows prima-facie case in favour of plaintiff. If prior notice under Order XXXIX Rule 3(a) C.P.C. is not dispensed, the very purpose of filing the suit will be defeated as the said construction work is at foundation level. Hence, it is just and necessary to dispense with the issuance of prior notice. Considering the nature of the suit, facts and circumstances of the case, by dispensing the issuance of prior notice, I proceed to pass the following:

ORDER

Ex-parte Temporary
Injunction order is

granted as prayed in
I.A.No.I against
defendant.

The defendant is hereby
temporarily restrained
from making any kind of
construction work
towards the eastern side
of the suit schedule
property in any manner
till next date of hearing.

Plaintiff shall comply
the provisions under
Order XXXIX Rule 3(a) of
C.P.C.

Office is directed to
issue certified copies
after ensuring the
compliance and issue
suit summons and notice
of I.A No. I with Ex-Parte
T.I order copy to the
defendant, if sufficient PF
is paid. If the plaintiff
failed to pay process fee
within time the Ex-Parte
TI granted will
automatically stands
vacated.

The counsel for plaintiff
is hereby directed to co-
operate to dispose off I.A

No. I within statutory
period.

Returnable by
17.11.2025.

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