

**18.08.2023**

Plfs:- Sri. A.S.S. Adv.,

Def:-

For orders on I.A.No.1 & 2

**ORDER ON IA No.I**

The plaintiffs have filed this suit against the defendants for the relief of permanent injunction. Along with the plaint the plaintiffs have filed the IA No.1 under order 39 rule 1 & 2 of CPC.

Heard the plaintiffs counsel on IA No.1.

The contention of the plaintiffs is that, the plaintiffs are the absolute owners and possessors of suit schedule property and the suit schedule property was granted in favour of Revanna S/o. Papaiah through L.N.D.S.R. (3) 921/78-79 dated: 21.02.1983 from the Assistant Commissioner, Ramanagara. As per the order of Assistant Commissioner the mutation has been changed in the name of father of plaintiffs and since grant of land, the father of plaintiff is in possession. After the death of father of plaintiffs the plaintiffs have filed application before the Thasildar for changing of khata in their name, but the 1<sup>st</sup> defendant has filed objections for changing the khata. The defendant No.1 has filed suit in O.S.No.98/2013 for the relief of declaration and permanent injunction against plaintiff and said suit came to be dismissed. After dismissal of suit the defendant No.1 has not preferred any appeal. When the plaintiffs are cleaning the suit schedule property with JCB the defendants caused interference over the suit schedule property.

The defendants are noway concerned to the suit schedule property. The defendants without having any right or title causing interference over the peaceful possession and enjoyment of the suit

schedule property. Hence prays to grant an ad-interim ex-parte order of temporary injunction.

Upon going through the plaint, IA No.1, accompanied affidavit, and documents which are produced by the plaintiffs shows that, plaintiffs at this juncture, have made out a prima-facie case to grant an ad-interim ex-parte order of temporary injunction. Hence, I proceed to pass the following;

### **ORDER**

Issue an order of ex-parte temporary injunction restraining the defendants, their agents, successors from interfering with cleaning over the suit schedule property in any manner till the next date of hearing.

Plaintiffs are directed to comply with order 39 rule 3(a) of CPC.

Issue notice of ex-parte T.I. order on IA No.1 along with suit summons to the defendants.

**Prl. Civil Judge & JMFC,  
Magadi.**

### **INTERIM ORDER ON I.A.No.2**

The plaintiffs have filed the suit for permanent injunction against the defendants. Along with the plaint the plaintiffs have filed IA No.2 U/O.39 Rule 1 and 2 of C.P.C., praying to grant ad-interim Ex-Parte T.I., order against the defendants.

Perused, no prima-facie grounds to dispense the pre-order notice and to

issue ex-parte T. I, order are made out at this juncture .

Hearing of defendants is necessary.

Hence, issue suit summons and notice on IA No-2 to defendants.

Call on 01.09.2023.

**Prl. Civil judge & JMFC,  
Magadi.**