

Heard, the plaintiff counsel on I.A.No.I.

This instant suit is for the relief of Permanent Injunction in respect of suit schedule property filed by the plaintiff against the defendant.

The plaintiff also files application U/o 39 Rule 1 and 2 of CPC seeking temporary injunction restraining the defendant from interfering and encroaching in the suit schedule property till disposal of the suit.

Heard, perused the records made available to this court. The plaintiff produced Registered Partition Deed, form No.3, 11(a), demand registered and legal notice issued by the counsel to the defendant.

Perused the entire material available on record, I am of the opinion that plaintiff has got triable for the case at this stage, if injunction is not granted the defendant is likely to interfere and encroach over the suit schedule property. In such circumstances, plaintiff will be put irreparable hardship and object of granting injunction will be defeat by delay and leads of multiplicity of proceedings. Hence, the plaintiff has made out prima-facie case at this stage I proceed to pass the following:

ORDER

The exparte order of temporary injunction is hereby granted in favour of the plaintiff against the defendant.

The defendant his agents, servants or anybody claiming

through him restrained to interfere and encroach over the suit schedule property till next date of hearing.

If the court comes to conclusion the exparte, temporary injunction is obtained insufficient grounds or there are no probable for institutioning the suit, the plaintiff will face the consequences as mentioned in Sec. 95 of CPC. Issue suit summons and notice on I.A.No.I and temporary injunction order after complying the provisions of order 39 Rule 3 of CPC.

Call on 18.02.2025.

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