

Heard, Sri. ASC, advocate for plaintiff on IA.No.I. the Plaintiff has filed this suit for Declaration to enjoy B schedule property for the purpose of taking bullock cart bringing agricultural produces and to take cattle to the A schedule property. Wherein Plaintiff has also filed I.A. I under order 39 Rule 1 and 2 of CPC with a prayer to pass an add-interim order of T.I restraining the defendants, their agents, servants or anybody acting on their behalf from interfering with the plaintiff peaceful enjoyment of B schedule property till disposal of the suit. Perused the documents and plaintiff averments. This suit is filed for Declaration and Permanent Injunction with respect to agricultural land.

In view of decision reported in AIR 1976 Karnataka 67, injunction cannot be granted in respect of agricultural land without giving notice to defendant. Therefore, I am of the opinion that at this stage plaintiff has not made out prima-facie.

Hence I am of the opinion that before passing order it is necessary to issue notice to defendants. Therefore office to issue suit summons and emergent notice on IA.No.I to the defendants.

R/by : 05.06.2018.

Prl. CJ & JMFC., Gubbi.